

# **A G E N D A**

The Waxahachie Planning & Zoning Commission will hold a regular meeting on **Tuesday, May 24, 2022 at 7:00 p.m.** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Commission Members: Rick Keeler, Chairman  
Melissa Ballard, Vice Chairman  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test

1. Call to Order
2. Invocation
3. **Public Comments:** Persons may address the Planning & Zoning Commission on any issues. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Commission may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
4. **Consent Agenda**

All matters listed under Item 4, Consent Agenda, are considered routine by the Planning & Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Chairman to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the Planning & Zoning Commission.

  - a. Minutes of the regular Planning & Zoning Commission meeting of May 10, 2022
  - b. Minutes of the Planning and Zoning Commission briefing of May 10, 2022
5. **Public Hearing** on a request by Chad Adams, Oak Hull Investments, for a Replat of Lots 8, 9, & 10, Block 11, University Annex Addition, to create Lots 8A-10B, Block 11, University Annex Addition, 6 Residential Lots, being 1.129 acres, located at 107 Olive St and 510 Cynisca St., (Property ID 176473 & 176474) – Owner: STONEDALE DEVELOPMENT LLC (SUB-28-2022)
6. **Consider** recommendation of SUB-28-2022
7. **Public Hearing** on a request by Hymen and Christina Wallace, for a Replat of Lots 22 and 23, Pecan Valley, to create Lot 22-R, Pecan Valley, 1 Residential Lot, being 1.164 acres, located at 241 Oak Tree Drive, (Property ID 201955 and 201954) – Owner: ILYMEN & CHRISTINA WALLACE (SUB-43-2022)
8. **Consider** approval of SUB-43-2022

9. **Public Hearing** on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Single Family -2 (SF-2) zoning district located at 505 W Marvin Avenue (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-42-2022)
10. **Consider** recommendation of Zoning Change No. ZDC-42-2022
11. **Public Hearing** on a request by Tim Jackson, TRCS, LLC for a Zoning Change from a Single Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 800 Sycamore Street (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES LLC (ZDC-5-2022)
12. **Consider** recommendation of Zoning Change No. ZDC-5-2022
13. **Public Hearing** on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022)
14. **Consider** recommendation of Zoning Change No. ZDC-45-2022
15. **Public Hearing** on a request by Todd Finley, CLX Ventures, LLC, for a Zoning Change from a Multi-Family-2 (MF-2) zoning district to Planned Development Multi-Family-2 (PD-MF-2) located at Southwest of John Arden Drive along Alliance Blvd (Property ID 275156) - Owner: ARDEN GROUP, LLC (ZDC-31-2022)
16. **Consider** recommendation of Zoning Change No. ZDC-31-2022
17. **Public Hearing** on a request by Dean Settlemyer, Just Settle Investments, LLC for a Replat of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022).
18. **Consider** recommendation of SUB-35-2021
19. Adjourn

**The P&Z reserves the right to go into Executive Session on any posted item.**

This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at (469) 309-4006 or (TDD) 1-800-RELAY TX.

***Notice of Potential Quorum***  
***One or more members of the Waxahachie City Council may be present at this meeting.***  
***No action will be taken by the City Council at this meeting.***

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, May 10, 2022 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
Erik Test

Members Absent: Melissa Ballard, Vice Chairman  
David Hudgins

Others Present: Shon Brooks, Executive Director of Development Services  
Jennifer Pruitt, Senior Director of Planning  
Ashlie Jones, Senior Planner  
Zack King, Planner  
Macey Martinez, Graduate Engineer  
Amber Villarreal, City Secretary  
Melissa Olson, Council Representative

1. **Call to Order**
2. **Invocation**

Chairman Rick Keeler called the meeting to order and gave the invocation.

3. **Public Comments**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of April 26, 2022
- b. Minutes of the Planning and Zoning Commission briefing of April 26, 2022

**Action:**

*Ms. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Mr. Erik Test seconded, All Ayes.*

5. **Public Hearing on a request by Dolores Hernandez, Martin Texas Properties LLC, for a Replat of Lots E & F, Block 194, Town Addition, to create Lot E-R, Original Town, one lot, being 0.177 acres (Property ID 171409) – Owner: MARTIN TEXAS PROPERTIES (SUB-127-2021)**

Planner Zack King presented the case noting the applicant is requesting to replat the subject property into one (1) lot for single-family residential use and staff recommends approval as presented.

Chairman Keeler opened the Public Hearing.

(42)

There being no others to speak for or against SUB-127-2021, Chairman Keeler closed the Public Hearing.

**6. Consider approval of SUB-127-2021**

**Action:**

*Mr. Jim Phillips moved to approve a request by Dolores Hernandez, Martin Texas Properties LLC, for a Replat of Lots E & F, Block 194, Town Addition, to create Lot E-R, Original Town, one lot, being 0.177 acres (Property ID 171409) – Owner: MARTIN TEXAS PROPERTIES (SUB-127-2021). Ms. Bonney Ramsey seconded, All Ayes.*

**7. Consider request by Terrance Jobe, Alluvium Development, Inc., for a Plat of Montclair Heights, 384 residential lots, 12 common area lots, 1 open space lot, and 4 general retail lots, being 188.456 acres, located west of 2374 W Highway 287 Bypass (Property ID 185971, 185972, 185978, 185886) – Owner: CAROLYN J HAMAN L/E (SUB-23-2022)**

Mr. King presented the case noting the applicant is requesting to plat the subject property into 384 single-family residential lots, 10 common area lots, 4 general retail lots, and 3 open space lots. He explained the plat is in compliance with the Planned Development zoning approved for the site. Staff recommends approval as presented.

**Action:**

*Mr. Erik Test moved to approve a request by Terrance Jobe, Alluvium Development, Inc., for a Plat of Montclair Heights, 384 residential lots, 12 common area lots, 1 open space lot, and 4 general retail lots, being 188.456 acres, located west of 2374 W Highway 287 Bypass (Property ID 185971, 185972, 185978, 185886) – Owner: CAROLYN J HAMAN L/E (SUB-23-2022). Ms. Bonney Ramsey seconded, All Ayes.*

**8. Public Hearing on a request by Dean Settlemyer, Just Settle Investments, LLC for a Replat of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022).**

Senior Planner Ashlie Jones presented the case noting the applicant is requesting to replat the subject property into one (1) lot for commercial use. Ms. Jones noted all City of Waxahachie lot size and dimension requirements have been met and the applicant is providing a 15' right-of-way (ROW) dedication along U.S. Highway 287 in conformance with the Thoroughfare Plan. The City of Waxahachie Thoroughfare Plan identifies 110' thoroughfare running along the eastern boundary of the subject property and as part of the platting process, the applicant is required to provide a 55' ROW dedication along the eastern property line in conformance with the Thoroughfare Plan and has met the requirement. The applicant is also required to provide a 15' Utility, Water and Wastewater Easement and is seeking a variance to allow for elimination of that requirement due to the 15' easement being excessive and will create site layout obstacles.

Staff recommends disapproval:

(40)

- Per section 3.1 of the Subdivision Ordinance, the property owner shall provide a minimum 15' utility easement for gas, electric, and other utilities approved by the City. It is staff's belief that the utility easement should only be eliminated by the proposed structure location with the 15' utility easement remaining for the remainder of the ROW frontage.

Chairman Keeler opened the Public Hearing.

Dean Settlemyer, 101 Brookside, Waxahachie, Texas, explained the other existing buildings on West Main do not have the same setback requirements as his proposed new building and stated the right-of-way requirement is impractical and asked the City to re-evaluate the requirement.

Chairman Keeler explained the 110' ROW means there is a 60' road with 25' of additional ROW on each side for sidewalks. The 110' ROW does not mean there is 110' of road pavement.

Shon Brooks, Executive Director of Development Services, explained staff has worked with the applicant on the setback requirements; however, without the 15' utility easement from the applicant, staff recommends denial of the plat.

The Commission recessed at 7:27 p.m. and reconvened at 7:32 p.m.

Jennifer Pruitt, Senior Director of Planning, clarified the applicant is asking for a variance to the required 15' utility easement and Mr. Settlemyer is proposing a 5' utility easement only. Ms. Pruitt explained the Thoroughfare Plan is currently being reviewed by staff and the consultant and at this time there is no recommendation to change the area's current plan to expand the road in the future.

The Commission, staff, and the applicant discussed the current City requirements regarding the ROW easement and setbacks. Mr. Settlemyer requested to continue the Public Hearing to allow for additional time to comply with City requirements.

## **9. Consider approval of SUB-35-2022**

### **Action:**

*After a lengthy discussion, Mr. Jim Phillips moved to continue the Public Hearing on a request by Dean Settlemyer, Just Settle Investments, LLC for a Replat of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022) to the May 24, 2022 Planning and Zoning Commission meeting. Mr. Erik Test seconded, All Ayes.*

## **10. Adjourn**

Senior Director of Planning Jennifer Pruitt announced the Impact Fee Capital Improvements Advisory Committee meeting will be on Tuesday, May 24, 2022. She also announced Planning Technician Morgan Massey's last day with the City will be on Friday, May 13, 2022.

Chairman Rick Keeler thanked Council Member Melissa Olson for serving as liaison to the Commission.

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Council Member Melissa Olson thanked the Planning and Zoning Commission for their service.

There being no further business, the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

Planning and Zoning Commission  
May 10, 2022

(4b)

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, May 10, 2022 at 6:30 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
Erik Test

Members Absent: Melissa Ballard, Vice Chairman  
David Hudgins

Others Present: Shon Brooks, Executive Director of Development Services  
Jennifer Pruitt, Senior Director of Planning  
Ashlie Jones, Senior Planner  
Zack King, Planner  
Macey Martinez, Graduate Engineer  
Amber Villarreal, City Secretary  
Melissa Olson, Council Representative

### 1. Call to Order

Chairman Rick Keeler called the meeting to order.

### 2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting

Planner Zack King reviewed the following cases:

- SUB-127-2021, the applicant is requesting to replat the subject property into one (1) lot for single-family residential use and staff recommends approval as presented.
- SUB-23-2022, the applicant is requesting to plat the subject property into 384 single-family lots, 10 common area lots, 4 general retail lots, and 3 open space lots. The plat is in compliance with the Planned Development zoning approved for this site and staff recommends approval as presented.

Senior Planner Ashlie Jones reviewed the following case:

- SUB-35-2022, the applicant is requesting approval to replat the subject property into one (1) lot for commercial use. The applicant is requesting a petition of relief waiver to eliminate the required 15' Utility Easement along the eastern property line; therefore, staff recommends disapproval. Ms. Jones explained staff would be supportive of a variance that results in elimination of the 15' utility easement, but only by the proposed building location with the 15' utility easement remaining for the remainder of the right-of-way frontage.

### 3. Adjourn

There being no further business, the meeting adjourned at 6:47 p.m.

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Respectfully submitted,

Amber Villarreal  
City Secretary

(546)



## Memorandum

To: Planning & Zoning Commission

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: May 13, 2022

Re: SUB-28-2022 University Annex Addition Replat

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On May 12, 2022, the applicant requested to continue case no. SUB-28-2022, University Annex Addition Replat from the May 24, 2022, Planning and Zoning Commission agenda and the June 6, 2022, City Council meeting agenda to the June 28, 2022, Planning and Zoning Commission agenda and the July 5, 2022, City Council meeting agenda.

(1)



## Planning & Zoning Department Plat Staff Report

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**Case: SUB-43-2022**

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**MEETING DATE(S)**

*Planning & Zoning Commission:*                      May 24, 2022

**CAPTION**

**Public Hearing** on a request by Hymen and Christina Wallace, for a **Replat** of Lots 22 and 23, Pecan Valley, to create Lot 22-R, Pecan Valley, 1 Residential Lot, being 1.164 acres, located at 241 Oak Tree Drive, (Property ID 201955 and 201954) – Owner: ILYMEN & CHRISTINA WALLACE (SUB-43-2022)

**APPLICANT REQUEST**

The purpose of this request is to Replat Lots 22 & 23 to create lot 22-R, 1 Residential Lot, being 1.164 acres, located at 241 Oak Tree Drive.

**CASE INFORMATION**

<i>Applicant:</i>	Hymen & Christina Wallace
<i>Property Owner(s):</i>	Ilymen & Christina Wallace
<i>Site Acreage:</i>	1.164 acres
<i>Number of Lots:</i>	1 lot
<i>Number of Dwelling Units:</i>	1 unit
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	Adequate public utilities are provided to the property.

**SUBJECT PROPERTY**

<i>General Location:</i>	241 Oak Tree Drive
<i>Parcel ID Number(s):</i>	201954 & 201955
<i>Current Zoning:</i>	Future Development (FD)
<i>Existing Use:</i>	The existing use is residential.
<i>Platting History:</i>	The site was originally platted as Lot 22 Pecan Valley & Lot 23 Pecan Valley

(1)

Site Aerial:



**PLATTING ANALYSIS**

The applicant is proposing to replat the subject properties into one (1) residential lot. All City of Waxahachie lot size and dimension requirements have been met. The City of Waxahachie Future Land Use Plan designates this area as intended for Estate Residential.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, **16** notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Staff received 1 letter of support for the proposed development.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.

**ATTACHED EXHIBIT**

1. Replat

**APPLICANT REQUIREMENTS**

1. If approved by the Planning & Zoning Commission, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then the applicant will be notified to make corrections.
  - b. If all comments were satisfied, then the applicant shall provide five signed, hard-copy plats

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

(7)

A plat shall not be filed with the Ellis County Clerk until:

1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's Subdivision ordinance.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Ashlie Jones

Senior Planner

[ashlie.jones@waxahachie.com](mailto:ashlie.jones@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



(7)

PROPERTY OWNERS:  
HYMEN WALLACE & CHRISTINA WALLACE  
241 OAK TREE DRIVE  
WAXAHACHE TX US 75165  
TEL. NO. 972-825-7319

STATE OF TEXAS §  
COUNTY OF ELLIS §

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That Hymen Wallace and Christina Wallace do hereby adopt this plat designating the herein above described property as LOT 22-R, PECAN VALLEY, CITY OF WAXAHACHE, TEXAS, an addition to the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities existing to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
BY: \_\_\_\_\_

Hymen Wallace

STATE OF TEXAS §  
COUNTY OF ELLIS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Hymen Wallace, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed. Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas

My Commission Expires On: \_\_\_\_\_

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
BY: \_\_\_\_\_

Christina Wallace

STATE OF TEXAS §  
COUNTY OF ELLIS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Christina Wallace, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed. Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas

My Commission Expires On: \_\_\_\_\_

APPROVED BY: Planning and Zoning Commission City of Waxahachie

By: \_\_\_\_\_, 20\_\_\_\_  
Chairperson

Attest: \_\_\_\_\_, 20\_\_\_\_

STATE OF TEXAS:  
COUNTY OF ELLIS

APPROVED BY: City Council City of Waxahachie

By: \_\_\_\_\_, \_\_\_\_\_ Date

ATTEST: \_\_\_\_\_, \_\_\_\_\_ Date

**DRAINAGE NOTES:**

- (1) BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.
- (2) THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THE ADDITION WILL REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.
- (3) CITY OF WAXAHACHE WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OF EROSION.
- (4) CITY OF WAXAHACHE WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.

**KNOW ALL MEN BY THESE PRESENTS.**

That I, Stuart C. Hamilton, RPLS 4480, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

"Preliminary, this document shall not be recorded for any purpose."

Registered Professional Land Surveyor  
Number 4480

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE IN RED INK

**REPLAT  
LOT 22-R  
PECAN VALLEY**

**1.164 Acres  
Being a Replat of LOT 22 and LOT 23  
PECAN VALLEY**

**(Cabinet B, Slide 279 PRECT)**  
**An Addition in the City of Waxahachie, Ellis County, Texas**  
**[City Case No. SUB-43-2022]**  
**FD ZONING**  
**1 Residential Lot**

**Davis & McDill LLC**



Date: 4/27/22  
Scale: n/a  
Drawn: DWH/SCH  
Job: 221-0029R  
Sheet 2  
of 2 sheets

SURVEYING AND PLANNING - EROSION MANAGEMENT  
P.O. BOX 423, WAXAHACHE, TEXAS 75168  
PHONE: 972-838-1185  
A Texas Licensed Surveying Firm # 10194881

(1)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-42-2022



### MEETING DATE(S)

*Planning & Zoning Commission:* May 24, 2022

*City Council:* June 6, 2022

### CAPTION

**Public Hearing** on a request by Chris Reeves, Quickway Signs, for a **Specific Use Permit (SUP)** for an **Electronic Message Sign** use within a Single Family -2 (SF-2) zoning district located at 505 W Marvin Avenue (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-42-2022)

### APPLICANT REQUEST

The applicant is requesting to relocate an existing ground monument sign 50ft. south of the existing location. The applicant is requesting to add a 16 square foot (2 ft. x 8 ft.) electronic message sign to the design of the new sign at First United Methodist Church (505 W. Marvin Ave.).

### CASE HISTORY

In October of 2021, staff received a Specific Use Permit (SUP) application (ZDC-161-2021) from the First United Methodist Church for an electronic message sign similar to the one proposed with this request. During the review of this application, staff received a total of eleven (11) letters of opposition and one (1) letter of support for the request. Staff conveyed the concerns outlined by citizens in the letters of opposition to the applicant. The applicant was also informed that staff would recommend denial for the proposed SUP. Prior to the Planning & Zoning Commission hearing for this case, the applicant chose to withdraw the application.

### CASE INFORMATION

<i>Applicant:</i>	Chris Reeves, Quickway Signs
<i>Property Owner(s):</i>	First United Methodist
<i>Site Acreage:</i>	4.226 acres
<i>Current Zoning:</i>	Single Family-2 (SF-2)
<i>Requested Zoning:</i>	Single Family-2 (SF-2) with a Specific Use Permit (SUP) for an Electronic Message Sign

### SUBJECT PROPERTY

<i>General Location:</i>	505 W. Marvin
<i>Parcel ID Number(s):</i>	219714
<i>Existing Use:</i>	First United Methodist Church

(9)

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF2 & MF1	Single Family Residences/ Marvin Place Apartments
East	SF2	Single Family Residences
South	SF2	Single Family Residences
West	SF2	Single Family Residences

Future Land Use Plan: Low Density Residential

Comprehensive Plan: This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan: The subject property is accessible via Bryson St. and W. Marvin Ave.

Site Image:



**PLANNING ANALYSIS**

Purpose of Request:

The applicant is requesting to relocate an existing ground monument sign 50ft. south of the existing location, and install a new monument sign with an electronic message component at First United Methodist Church (505 W. Marvin Ave.). Per the City of Waxahachie Zoning Ordinance, Electronic Message Signs require a Specific Use Permit (SUP) to be approved by City Council.

(9)

Proposed Use:

The applicant is requesting approval of a Specific Use Permit (SUP) to install an 80 sq. ft. ground monument sign with a 16 sq. ft. electronic message board component. The sign is proposed to be relocated approximately 100 feet southeast of the existing location along W. Marvin Ave. The sign is proposed to consist of the same façade (brick and granite) as the existing sign. Per the City of Waxahachie Zoning Ordinance, electronic message signs shall meet the following stipulations listed in Table 2 below.

**Table 2: Sign Regulation Chart**

*\*Items highlighted in bold are not consistent with the City of Waxahachie Zoning Ordinance*

<b>Electronic Messaging Sign (City of Waxahachie)</b>	<b>First United Methodist Church</b>
Signage shall not be located within the public right-of-way.	The sign is <u>not</u> located in the public ROW
Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic message sign will only provide information regarding the church and church events.
Such signs shall not exceed a brightness level of 0.3 foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.	The applicant has stated that the signs come with an automatic sensor that reduces the brightness of the sign at night.
Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts	The proposed sign will only feature static content. The sign will not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
Any electronic message signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.	The sign shall not be illuminated between the hours of 8pm – 8am.
A maximum of seventy (70) percent of the sign face may be devoted to changeable sign copy.	A maximum of 20% of the sign will be used as a changeable sign copy (electronic message board).
Max. Size= 80 sq. ft.	Proposed Size= 80 sq. ft.
Max. Height= 8 ft.	Proposed Height= 8 ft. tall
Setback= 15 ft. from public ROW	Proposed sign will be setback a minimum of 15 ft. from the public right-of-way.

**STAFF CONCERNS**

Character of the District

Due to First United Methodist Church being located in an area with multiple historic structures, staff has concerns that approving the proposed electronic message sign could affect the character of the area. In addition, staff has received several letters of opposition from surrounding neighbors regarding the potential negative affect of the proposed sign on the character of West Marvin Avenue.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 29 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Inside 200 ft. Notification Buffer: Staff has received thirteen (13) letters of opposition and two (2) letters of support for the proposed use. (Note: Two (2) of the opposition letters were provided by the same property owner.)

Outside 200 ft. Notification Buffer: Staff has received three (3) letters of opposition and three (3) letters of support for the proposed use.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

**Denial**

1. Due to staff concerns, staff recommends denial for the proposed use.
2. Note: If the proposed use is denied by the Planning and Zoning Commission:
  - a. A favorable vote of three-fourths (¾) of all members, which equates to four (4) of the five (5) members, of the City Council is also required for any zoning request that was recommended for denial by the Planning and Zoning Commission. (Sec. 2.04, City of Waxahachie Zoning Ordinance)
3. Note: If the Planning and Zoning Commission chooses to recommend approval of proposed use, staff suggests that the following conditions be added to the approval recommendation.
  - a. The sign shall not be illuminated between the hours of 8pm – 8am.
  - b. The sign shall be setback a minimum of 15 feet from the public right-of-way.
  - c. The electronic message sign shall only provide information regarding the church and church events.
  - d. The electronic message sign shall not exceed a brightness level of 0.3 foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
  - e. The proposed sign shall only feature static content. The sign shall not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. Site Layout Plan
3. Sign Rendering

**APPLICANT REQUIREMENTS**

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

(9)

**STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King

Planner

[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



—WRAY WILLETT—  
STOFFER KOSORIS  
LAWYERS LLC

John C. Wray  
Partner

jcwray@elliscountylaw.com

(9)

May 10, 2022

**Via Email: zking@waxahachie.com**

City of Waxahachie  
Planning Department  
P.O. Box 757  
Waxahachie TX 75168

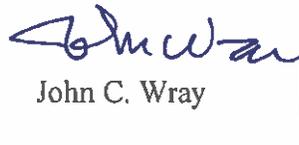
RE: CASE #ZDC-42-2022; Sign Request – First United Methodist Church

Dear Members of the Planning & Zoning Commission and City Council:

As the owner of the property located at 510 West Marvin (Marvin Place Apartments), which is directly across the street from First United Methodist Church, I am writing to express my strong support for the sign application FUMC has submitted to the City of Waxahachie. I respectfully request that you approve this request such that FUMC may proceed with installation of the sign. In my opinion, the sign will not disrupt the character of the surrounding neighborhood, nor will it disturb neighboring residents. It will be a tasteful monument sign utilizing the latest technology, thereby reducing its impact on surrounding properties. Moreover, the sign will play a vital role in furthering FUMC's ministry in Waxahachie. As a neighboring property owner, the installation of the sign has my full support.

I welcome any inquiries you may have, so please contact me if you care to discuss this matter further. Thank you for your consideration of my letter.

Sincerely,



John C. Wray

(9)

**From:** January Moore <januarymoore14@gmail.com>  
**Sent:** Friday, May 20, 2022 10:02 AM  
**To:** King, Zack  
**Subject:** P&Z Meeting for FUMC Electronic sign

Zack King  
City of Waxahachie  
Planning Dept.

RE: CASE# ZDC-42-2022

Mr. King,

My name is January Moore and I serve as the Lay Leader for the First United Methodist Church (FUMC) of Waxahachie located at 505 W. Marvin in Waxahachie. As representative of the congregation of the church I can say with all confidence that the congregation supports the lighted sign as proposed by the Trustees and Administrative Council of our church.

We are extremely vigilant to the concerns of the neighborhood of a lighted sign for the church on Marvin and want the Planning and Zoning Commission to know that every effort has been applied to create a blending and inoffensive lighted sign. We serve many missions within this community. We feel that it is important to the growth of these missions to be able to promote, tastefully; and to make motorists and pedestrians aware of our availability to them.

Our sign will be very attractive and we will abide by the guidelines set for signage by the city. I thank you for your time and ask that the P&Z allow FUMC Waxahachie the same consideration it has provided other churches and schools in the immediate vicinity

Respectfully,  
January Moore  
Lay Leader, FUMC Waxahachie

(1)

**From:** waxaone@aol.com  
**Sent:** Friday, May 13, 2022 11:22 AM  
**To:** Planning@waxahachie.com  
**Subject:** Case Number ZDC-42-2022  
**Attachments:** Original letter of Opposition to FUMC Electronic Sign.pdf

**Good morning. My name is Elizabeth Getzendaner Cunliffe and my husband, John and I reside at 415 West Marvin Avenue, directly across from the First United Methodist Church. It has come to our attention that the Church and Quickway Signs have applied for another Specific Use Permit (SUP) for an Electronic Message Sign for installation within a Single Family-2 zoning district located at 505 West Marvin Avenue. My husband and I opposed the original application for a SUP in November 2021 and I have attached our original email dated November 2, 2021 for reference.**

**We are opposed to this Electronic Sign for multiple reasons: 1) this is a residential street not a commercial one, 2) it will set a negative precedence for our residential street, 3) it will be an eyesore for those driving down our residential street after so much money was spent to improve and enhance Marvin Avenue and 4) FUMC has a social media presence and can provide worship times, special events, etc. on its social media.**

**The Avenue Church doesn't feel the need to have an Electronic Message Sign on 77 and they are located off the road and have a very large congregation. The First United Methodist Church is located on a residential street, has been for decades and has done just fine. If they need a sign so badly perhaps they could install one on Ferris Avenue along with all the other commercial signs that are eyesores and cheapen the look and feel of Waxahachie. Marvin Avenue is a residential street with many older and historical homes which add to the charm and beauty of Waxahachie. Our home was built in 1906. We feel the installation of an Electronic Message Sign would not be in keeping with this residential neighborhood.**

**It is for these many reasons that my husband and I cannot and do not support the granting of a Specific Use Permit that would allow the First United Methodist Church to install an Electronic Message Sign next door to our home.**

**I hope the Planning and Zoning Committee and the City Council will take this opposition into consideration when discussing Case Number ZDC-42-2022.**

**Respectfully,  
Elizabeth and John Cunliffe**

(9)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-42-2022

**MARSHALL WHITNEY R & RICHARD**  
608 W MARVIN AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Chris Reeves, Quickway Signs, for a **Specific Use Permit (SUP)** for an **Electronic Message Sign** use within a Single Family -2 (SF-2) zoning district located at 505 W Marvin Avenue (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-42-2022)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-42-2022

City Reference: 174091

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *May 17, 2022* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

W Marshall  
Signature

5-7-2022  
Date

WHITNEY MARSHALL  
Printed Name and Title

608 W. MARVIN AVE  
Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(9)

May 9, 2022

**To the members of the Planning and Zoning Commission of the City of Waxahachie:**

While both a member of FUMC Waxahachie and a homeowner I am pulled in both directions, but ultimately I am writing in **opposition** to the proposed addition of a LED sign to FUMC Waxahachie.

The type of sign being proposed is in no way appropriate for a historical, residential neighborhood. I find it is my family's responsibility to help preserve the historic character of our property and we hold the rest of the home owners and business owners, including our church, to this standard. Such a sign would take away from the efforts of the neighborhood to honor the architectural past of our community and lower the standard, allowing other businesses to follow suit.

FUMC Wax. belongs to a charming neighborhood with the magical ability to transport you back in time. In this day and age that is a beautiful thing, especially for a mother like myself raising 2 small children. We moved to this area 2.5 years ago specifically for that quaint feel. An LED sign not only kills the magic, but takes away from the beautiful architectural moments that FUMC contributes.

Another large concern is safety. I currently cross the cross walk, by the church on Marvin Ave., with both of my small children to take them to pre-school at FUMC Wax. and again on Sundays to attend church there. We are constantly having problems with drivers not stopping and not even noticing the pedestrian light flashing. The last thing our family wants is to add a sign that would contribute to distracted drivers and endanger us and more importantly, our children.

While an LED sign might be an obvious path to get FUMC Wax.'s messages and events out, I think it lacks creative problem solving. As someone with 10+ years experience in visual communication, 7 of those years spent as a communications staff member at one of the most prominent Methodist churches in North Texas, it is my professional opinion that this LED sign is not necessary. I believe other solutions should be explored to achieve FUMC Wax.'s goals that will also maintain the integrity of the historic district and not endanger the neighborhood children trying to attend preschool and church services there.

I hope that this request will be **denied**.

Thank you,  
The Marshall Family  
Richard, Whitney, Magnolia (2), Ophelia (7mo.)  
608 W. Marvin Ave.  
Waxahachie, TX 75165  
214.662.5394



(9)  
City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-42-2022

ORTEGA MARIA E MD  
603 W MARVIN AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-42-2022

City Reference: [REDACTED]

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SUPPORT

OPPOSE

Comments:

\_\_\_\_\_

S. Clements  
Signature

5/9/22  
Date

Sara Clements  
Printed Name and Title

514 W. Marvin  
Address  
Waxahachie

RECEIVED MAY 16 2022

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*



(9)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-42-2022

HILL WILLIAM D & MICKIE  
607 W MARVIN AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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*Return by May 17*

Case Number: ZDC-42-2022

City Reference: 171941

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

*An electronic message sign would be a distraction to drivers and could cause accidents especially with an elementary school*

*Mickie Hill*  
Signature

*May 11, 2022*  
Date

*MICKIE HILL*  
Printed Name and Title

*607 WEST MARVIN AVENUE*  
Address

*\*close by. An electronic sign would detract from the beauty of our historic Avenue WAXAHACHIE TX 75165 and the impressive Methodist Church.*

If it is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)  
If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

RECEIVED MAY 16 2022

(9)

Case Number: ZDC-42-2022

City Reference: 173317

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

waxahachie is a historic city, Marvin is a historic street  
lets keep it that way NO BIG SIGNS

[Signature]

5-11-22

Signature

Date

RATE MORENO

501 W GIBSON ST

Printed Name and Title

Address

RECEIVED MAY 13 2022

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*



(9)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-42-2022



ORTEGA MARIA E MD  
603 W MARVIN AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-42-2022

City Reference: 171940

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

W. Marvin has heavy pedestrian traffic from Wilmon Elementary School. An electronic message sign would distract drivers and pose a danger to children.

Signature

MARIA E. ORTEGA

Printed Name and Title

Date

5/9/2022  
603 W. Marvin Ave

Address

RECEIVED MAY 16 2022

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(9)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-42-2022



MONTEJANO JACQUELINE E & MIKULA RUDY  
412 W MARVIN AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-42-2022

City Reference: 176935

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I would appreciate additional information regarding this request.

Signature

*Jacqueline E. Montejano*  
JACQUELINE E. MONTEJANO

Printed Name and Title

Date

5-17-22

412 W. MARVIN AVE, WAXAHACHIE TX 75165  
Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

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(9)  
City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-42-2022

ORTEGA MARIA E MD  
603 W MARVIN AVE  
WAXAHACHIE, TX 75165

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Case Number: ZDC-42-2022

City Reference: [REDACTED]

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SUPPORT

OPPOSE

Comments:

Susan Parker  
Signature

Susan Parker  
Printed Name and Title

5/9/2022  
Date

615 W. Parks Ave.  
Address

RECEIVED MAY 16 2022

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(9)

Case Number: ZDC-42-2022

City Reference: 173324

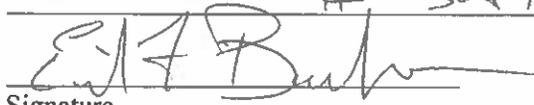
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SUPPORT

OPPOSE

Comments:

Could cause Distracted Drivers AND  
set a bad precedent for a residential  
neighborhood.



Signature

5/10/22

Date

ERNEST F. BARKER

Printed Name and Title

615 W Parks Ave

Address

RECEIVED MAY 12 2022

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*



(9)  
City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-42-2022

ORTEGA MARIA E MD  
603 W MARVIN AVE  
WAXAHACHIE, TX 75165

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Case Number: ZDC-42-2022

City Reference: XXXXXXXXXX

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SUPPORT

OPPOSE

Comments:

This is predominantly a residential area not a business district.

William I Brown

Signature

9 May 2022

Date

William I Brown

Printed Name and Title

503 W. Parks Ave

Address

173329

RECEIVED MAY 16 2022

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(9)  
City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-42-2022

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Request by Chris Reeves, Quickway Signs, for a **Specific Use Permit (SUP)** for an **Electronic Message Sign** use within a Single Family -2 (SF-2) zoning district located at 505 W Marvin Avenue (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-42-2022)

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Case Number: ZDC-42-2022

City Reference: XXXXXXXXXX

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *May 17, 2022* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

	5/8/2022
Signature	Date
BOBBIE FINCHER TERRY FINCHER	610 W. Parks
Printed Name and Title	Address

RECEIVED MAY 16 2022

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

Venissat, Michelle

(91)  
ZDC-42-2022

RECEIVED MAY 17 2022

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**From:** brandyrmayo@yahoo.com  
**Sent:** Tuesday, May 17, 2022 4:34 PM  
**To:** Planning@waxahachie.com  
**Subject:** First United Methodist Church Proposed LED sign

To whom it may concern,

I am formally sharing opposition to the First United Methodist Church's proposed LED sign. I live at 414 W Marvin Ave, which is adjacent to the front of the church. I appreciate the value the church brings to my community, my family has attended many events at the church.

I believe an LED sign will take away from the historical character of our neighborhood that we try hard to preserve. My family and I enjoy sitting on our front porch and this activity has brought a sense of community with our neighbors that is sometimes lost into today's society. A sign of this nature would distract during the evening hours and the current scene we enjoy will be compromised.

I understand the church wants to communicate events with the community, however in today's world it seem an online presence would be of greater value.

Thank for your time and service.

Sincerely,  
Brandy Mayo  
469-285-9476  
414 W Marvin Ave

(9)

**From:** Judy Demoney <cjdemoney@yahoo.com>  
**Sent:** Monday, May 16, 2022 11:59 PM  
**To:** King, Zack  
**Subject:** ZDC-42-2022 F.U.M.C. Electric Message Sign

I am writing in support of the electronic message sign requested by First United Methodist Church.

For 170 years FUMC has been a part of this community and today is the largest Protestant church in the heart of Waxahachie. Several years ago we made the decision to remain at our current location and not move to the north side of town as other churches have done. We have continued to grow and now have four Sunday worship services—two Traditional services, one Modern Worship and the Alpha (Spanish language) service. We also have recently completed a \$3.5 million capital campaign to update and upgrade our facility to become “A Place for All”.

We support our community in many ways:

- Annual Community Christmas Lunch. For more than 20 years, served and delivered to anyone in the community including more than 250 in 2021
- Meals On Wheels pick-up facility and volunteers
- Backpack Food for WISD. Currently supplying 127 for various campuses
- High School and High School of Choice food and hygiene pantry for any student in need
- Worship Outside the Walls - Host and coordinate work and worship groups to help area churches serve in the community by helping residents who need home repairs
- Political election voting location

We are asking for a Specific Use Permit for a conservative monument electronic message sign as other churches and WISD facilities have been allowed to erect throughout Waxahachie.

Judy Demoney, FUMC Trustee  
406 Jasmine Lane  
Waxahachie, TX 75165

Sent from my iPad

(9)

**From:** Brad and Lorinda Yates <ycolonialgroup@yahoo.com>  
**Sent:** Monday, May 16, 2022 9:00 PM  
**To:** King, Zack  
**Subject:** CASE #ZDC-42-2022

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Zack,

I am writing today to show our support of Case #ZDC-42-2022 and urge P&Z to pass the request for the following reasons:

1. The church has invested a great deal to "open" up the front of the building with the new parking and canopy. For years it looked like a fortress and visitors really did not know where to enter.
2. In keeping with the theme of "opening" up the front of the church, we feel this sign will be a great welcoming tool for visitors as well as provide information to the community about our church.
3. At the rate Waxahachie is growing new residents will be looking for a church home and this simple sign could be the catalyst for new membership.
4. There has been much thought on the design aspects of the sign so that it compliments the historic building yet adds new technology that will reach all generations.
5. The current sign blends into landscape and doesn't have the capabilities to advertise our services, times and who we are for the passerby.

My wife and I have been members of FUMC for over twenty five years and served on many different boards at different capacities so we understand the need to move forward as other churches, schools and businesses have done to promote community engagement and draw in new members. I think this sign not only will be appropriate to the sizing but also allows some new technology to keep the church relevant. Thank you for your consideration and looking forward to approval of proposed sign.

Brad and Lorinda Yates

(91)

**From:** Noel Nalls <noel@potterconcrete.com>  
**Sent:** Wednesday, May 18, 2022 2:56 PM  
**To:** King, Zack  
**Cc:** mikefenton@aol.com; Noel Nalls  
**Subject:** FW: Case#ZDC-42-2022

---

**From:** Noel Nalls  
**Sent:** Wednesday, May 18, 2022 2:37 PM  
**To:** 'noelnalls@icloud.com' <[noelnalls@icloud.com](mailto:noelnalls@icloud.com)>  
**Subject:** Case#ZDC-42-2022

Dear Mr.King

As a property owner of 610 West Marvin please let this email serve as our support for the new Electronic sign for the First United Methodist Church to help reach people in our community to feel invited an informed about all activities going on at FUMC.

Sincerely,

Noel and Anjie Nalls

God Bless!!!

(9)

First United Methodist Church  
505 West Marvin Avenue, 1950

This restrained Gothic Revival style church has been on this location since 1950. It serves as a buffer between the increasing commercialization of Ferris Ave. and the important single family homes to its west. Protection from this commercial area is very important and stops that progression westward down Marvin.

The 2019 Historic Resources of Waxahachie - Zone 1 Survey created by HHM and Associates rates the church as "high priority". The professionals doing that study have also suggested that the portion of W. Marvin including the church should be designated a National Register District, with the church a contributing member of that district.

↑  
The preservation design guidelines suggest the importance of such buildings that are in residential areas, or on the borders of such, should compliment the residential area and not be so commercial. This building would be enhanced by a more subtle dignified sign. It is not on a 4 lane fast moving street and it is obviously a church. I also understand that the neighbors do not want it. Please deny this sign and protect our historic neighborhoods.

More commercial like changes to these border properties just start a trend toward tearing down homes and loss of great long lasting properties from the tax roles

Becky Kauffman, preservationist, City Historic Pres. Commission  
972.489.2614

(9)

**From:** Villarreal, Amber  
**Sent:** Sunday, May 15, 2022 12:09 PM  
**To:** Margaret Crabtree  
**Cc:** Pruitt, Jennifer; King, Zack; Venissat, Michelle; Tuley, Eleana; Jones, Ashlie  
**Subject:** Re: Planning and Zoning Commission -- RE: Signage proposal for First United Methodist Church

Received. Thank you.

Amber Villarreal, TRMC, CMC  
City Secretary  
City of Waxahachie  
(469) 309-4006 (Office)

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**From:** Margaret Crabtree <[peggy\\_crabtree@att.net](mailto:peggy_crabtree@att.net)>  
**Sent:** Saturday, May 14, 2022 6:20 PM  
**To:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Planning and Zoning Commission -- RE: Signage proposal for First United Methodist Church

Dear Ms. Villarreal,

I am attaching a letter of opposition to the proposed illuminated sign for the First United Methodist Church on West Marvin Street in Waxahachie. Such a sign would be entirely inappropriate for such a setting in our historic city residential neighborhood. Also attached is an opinion given by the Texas Historical Commission's Texas Main Street Center Design Staff for a similar sign proposed in the City of La Grange. While that opinion specifically references a historic city downtown, such signage would be even less appropriate for a historic city residential neighborhood.

Please share my letter and document with the Planning and Zoning Commission and any other appropriate parties prior to their making a decision in this matter. Should I be unable to attend the meeting to speak in opposition on this particular agenda item, I would like my opinion to be included in the record.

Sincerely,

Peggy Crabtree  
(Margaret Spalding Crabtree)  
607 W. Jefferson St.  
Waxahachie, TX 75165-3225  
972-935-2365  
[peggy\\_crabtree@att.net](mailto:peggy_crabtree@att.net)

(9)

**From:** Amy Wright <amya808@gmail.com>  
**Sent:** Friday, May 20, 2022 9:52 AM  
**To:** Planning@waxahachie.com  
**Subject:** ZDC-42-2022

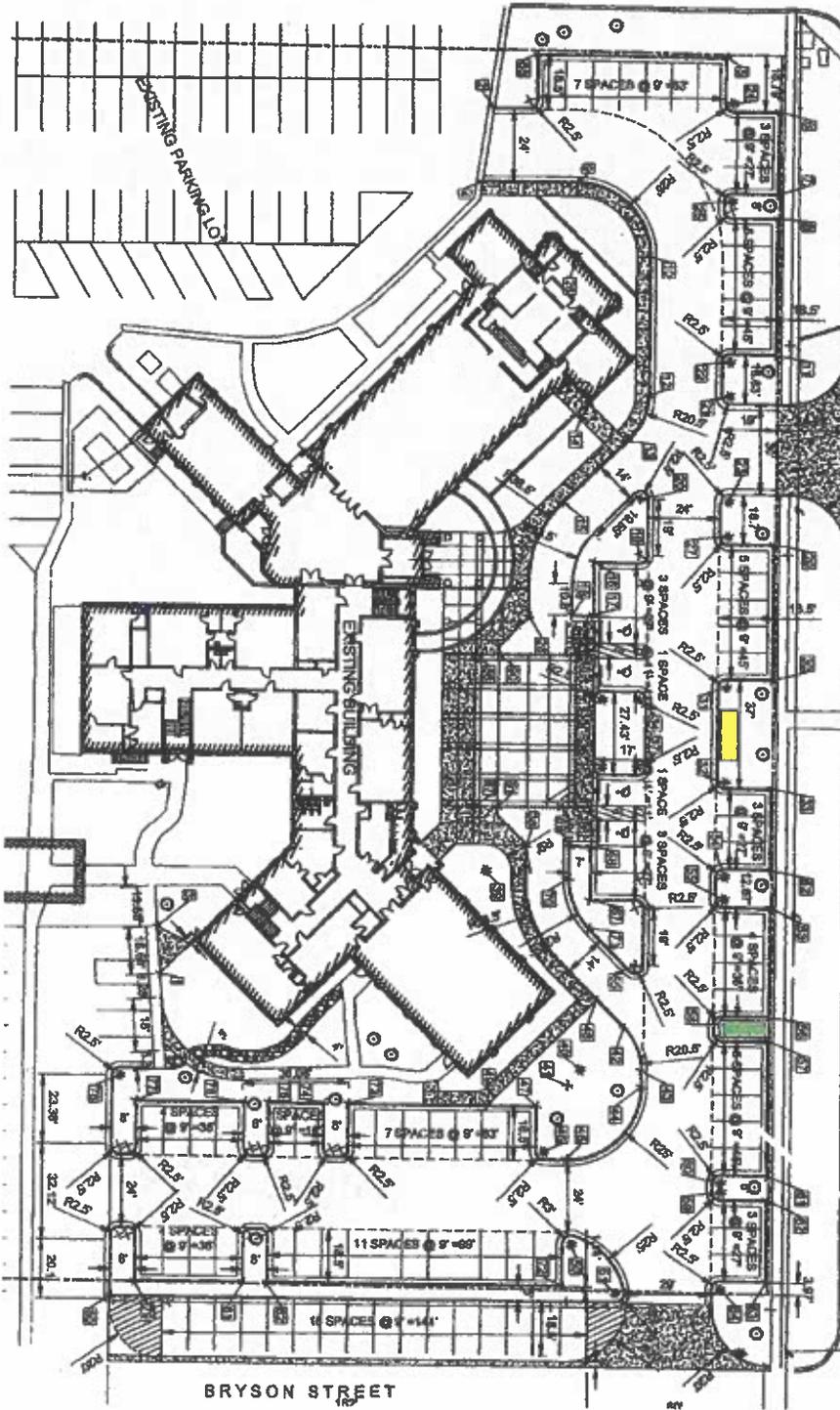
I live at 808 W. Marvin Ave close to First United Methodist Church. I am writing in opposition to any type of LED signage for the church. I grew up in this historic neighborhood and have spent my adult life in the neighborhood. This church has stood at this location for as long as I can remember and I'm 62 years old. I don't object to a sign, but just do not support a "flashy" type sign in this neighborhood. I drove down East Marvin and saw the type of signage that was at St. Joseph Catholic Church and Trinity Church on the corner of E. Marvin and Farley. Either of those two types of signs would be more appropriate for this neighborhood. It might not be as easy because someone would have to go outside and change the lettering, but it would fit in this historic area of town. The Trinity Church had regular lights lighting up their sign from behind which I thought was not objectionable and served the need to be seen after dark.

I believe that our historic neighborhood should not begin to allow certain types of more modern signage.

Thank you,  
Amy Alderdice Wright  
808 W. Marvin Ave.  
Waxahachie, TX 75165  
972-935-6928

(9)

GIBSON STREET



PROPERTY LINE

No UTILITY  
EASEMENT INSIDE  
PROPERTY LINE

PER: MIKE TULL

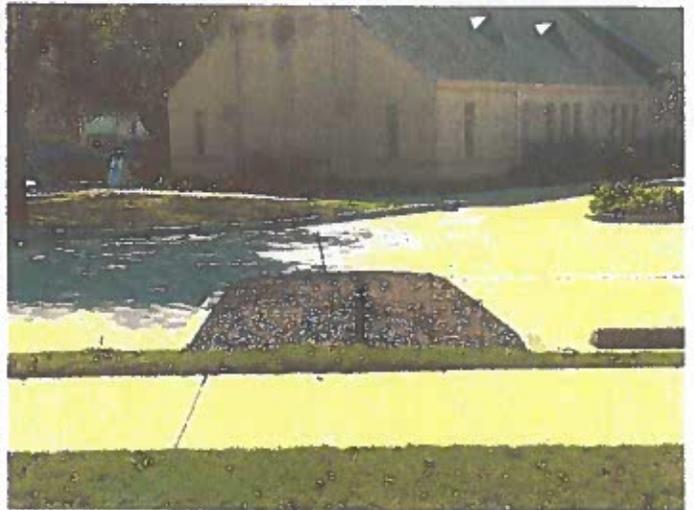
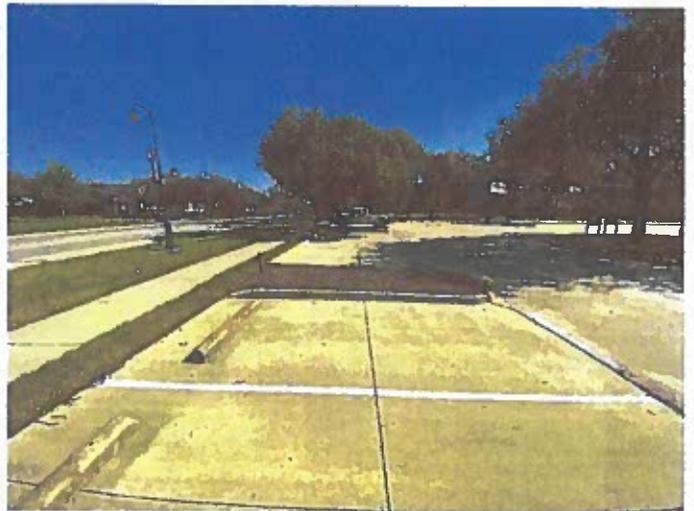
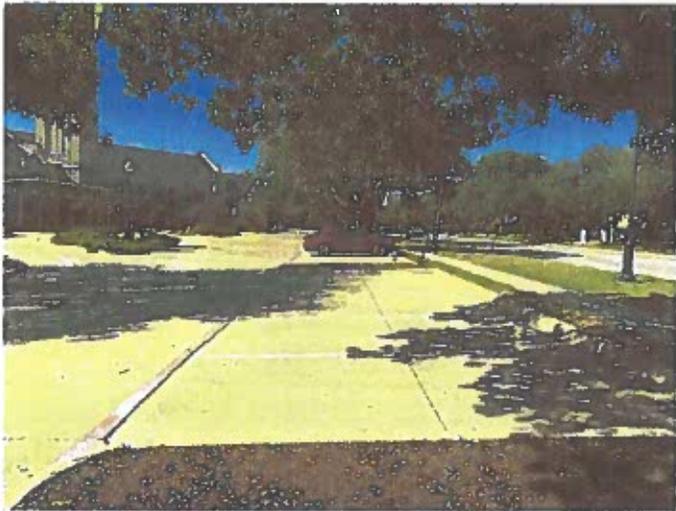
Existing  
Location

New  
Location

(9)

# New Location

Granite and  
Masonry  
existing  
Relocated  
By Mason's.



(11)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-5-2022



### MEETING DATE(S)

Planning & Zoning Commission: May 24, 2022

City Council: June 6, 2022

### CAPTION

**Public Hearing** on a request by Tim Jackson, TRCS, LLC for a **Zoning Change** from a Single Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 800 Sycamore Street (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES LLC (ZDC-5-2022)

### APPLICANT REQUEST

The applicant is requesting a zoning change from Single Family-2 to Planned Development-Single Family-2 to allow an existing accessory structure at 800 Sycamore Street to be used as a rental dwelling unit.

### CASE HISTORY

In August of 2021, staff received a Specific Use Permit (SUP) application (ZDC-134-2021) for an accessory dwelling unit at 800 Sycamore. During the initial staff review of this applicant, the applicant was informed that an accessory dwelling unit for rent could not be approved via a SUP. (A zoning change to a Planned Development would be needed.) With this information, the applicant requested to withdraw their SUP application prior to its anticipated Planning & Zoning Commission hearing date.

### CASE INFORMATION

*Applicant:* Andrew Garrett  
*Property Owner(s):* A Garrett Real Estate Ventures, LLC  
*Site Acreage:* 0.35 acres  
*Current Zoning:* Single Family-2 (SF-2)  
*Requested Zoning:* Planned Development-Single Family-2 (PD-SF-2)

### SUBJECT PROPERTY

*General Location:* 800 Sycamore Street  
*Parcel ID Number(s):* 176411  
*Existing Use:* A single family residence and accessory structure currently exist on the subject property.  
*Development History:* The subject property is platted as Lot 8, Block 3 of the University Annex Revision.

(11)

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF-2	Single family residence
East	SF-2	Single family residence
South	SF-2	Single family residence
West	SF-2	Single family residence

*Future Land Use Plan:*

Low Density Residential

*Comprehensive Plan:*

This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie’s current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

*Thoroughfare Plan:*

The subject property is accessible via Sycamore Street and Kirven Avenue

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request**

The applicant is requesting a zoning change from Single Family-2 to Planned Development-Single Family-2 to allow an existing accessory structure at 800 Sycamore Street to be used as a rental dwelling unit.

**Site History**

The applicant is currently using the subject property as a rental property. The primary home and accessory structure are currently being rented out to two (2) separate tenants. This is considered a multi-family use that is not permitted in the current Single-Family-2 zoning district. The accessory structure was built in 1998 according to Ellis County Appraisal District and City of Waxahachie records. At that time, the accessory structure was only permitted as a garage and pool house, not an accessory dwelling unit. Staff has located a previously approved Specific Use Permit (SUP) from 1998 (Ord. 1929) that allowed for the construction of the garage/pool house; but this SUP does not stipulate that the accessory structure is permitted to be converted or used as a dwelling unit. The pool on the property was removed (filled in) in 2021; so only grass remains in the back yard. The accessory structure is not separately metered from the primary residence. City of Waxahachie Building Department records indicate the structure was never permitted or inspected as dwelling unit.

(11)

Site History (continued)

On May 18<sup>th</sup>, 2021, staff received a complaint from a resident within the surrounding area stating that excessive trash was accumulating at the subject property along Kirven Avenue. An investigation into the site revealed the accessory structure and primary residence on the property were being rented as separate dwelling units. Per the City of Waxahachie Code Enforcement Department, violations for excessive trash accumulation (Rat Harborage) and zoning nonconformance were issued on as part of Code Case 1434-2021 on May 18<sup>th</sup>, 2021. At the time of this report (5/19/2022), the excessive trash noted in the original citation has been removed; but staff has noted additional accumulation of trash as of 5/16/2022. The applicant is seeking to address the zoning violation with this zoning change request.

Proposed Use/Analysis

The applicant is requesting approval of a zoning change to allow an existing accessory structure to be rented out as a separate dwelling unit from the primary home on the subject property. This proposed use does not align with the established single family zoning of the surrounding neighborhood. The accessory structure has not been inspected or permitted by the City of Waxahachie; thus the habitability of the structure is questionable. Staff has concerns regarding the safety of the accessory structure and the potential impacts on the character of the surrounding area that may arise from the continued use of the accessory structure as a dwelling unit.

**STAFF CONCERNS**

Habitable Use/Safety

There are no official city records that indicate the existing accessory structure was permitted or inspected as a dwelling unit. Due to the structure not being inspected by the City of Waxahachie, staff has concerns regarding the safety of the structure as a habitable dwelling unit.

Neighborhood Character

The area surrounding the subject property between the SAGU campus and Highway 77 is designated as Low Density Residential on the City of Waxahachie Future Land Use Plan. In keeping with this plan, the majority of properties within 1,000 feet of the subject property are zoned Single Family-2 (SF-2). Similarly, single family homes comprise the vast majority of development in the surrounding area. Due to this, staff has concerns that proposed zoning change, if approved, would result in a use that does not adhere to the character of the area or the Future Land Use Plan. If approved, the proposed use may also serve to promote additional deviations from the established single family zoning district in the future.

**APPLICANT RESPONSE TO CONCERNS**

Habitable Use/Safety

The applicant has stated their willingness to make any necessary changes or updates required by the City of Waxahachie Building Department in order for the accessory structure to be considered habitable.

Neighborhood Character

The applicant has noted the existence of duplex structures on Virginia Avenue in the general vicinity of the subject property.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 20 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PUBLIC NOTIFICATION RESPONSES**

Staff has received six (6) letters of opposition to the proposed zoning change.

(11)

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

**Denial.**

1. Due to staff concerns, staff recommends denial for the proposed zoning change.
2. Note: If the Planning & Zoning Commission does vote to recommend approval for the proposed PD, staff recommends the following conditions be added to the approval recommendation.
  - a. All trash for the primary and accessory structure will be placed in standard poly-cart containers issued by Waste Connections. Trash is not permitted to be stored or placed outside of these containers. The property owner shall be responsible for ensuring additional poly-cart containers are provided, if necessary.
  - b. An Energy Code Compliance Report will need to be submitted to, and accepted by, the City of Waxahachie Building Department.
  - c. The City of Waxahachie Building Department shall perform an inspection of the accessory structure to determine the habitability of the structure. The applicant shall make all improvements to the accessory structure deemed necessary by the City of Waxahachie Building Department in order to ensure the structure is habitable and conforms to the 2018 International Building Code & 2018 International Residential Code.
  - d. A floor plan for the accessory structure shall be provided to staff and attached to the approved zoning ordinance.
  - e. The subject property shall not be subdivided.
  - f. The accessory structure and primary home shall **not** be sold separately.
  - g. The accessory structure and primary home shall **not** be separately metered.

**ATTACHED EXHIBITS**

1. PON Responses
2. Location Exhibit
3. Site Plan
4. SUP Ordinance
5. Site Photos

**APPLICANT REQUIREMENTS**

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then the applicant will be notified to make corrections.
  - b. If all comments were satisfied, then the applicant shall provide a set of drawings that incorporate all comments.

**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Zack King  
 Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*  
 Jennifer Pruitt, AICP, LEED-AP, CNU-A  
 Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(11)

**From:** Claudia Lockman <claudialockman22@icloud.com>  
**Sent:** Tuesday, May 3, 2022 1:41 PM  
**To:** Planning@waxahachie.com  
**Subject:** ZDC-5-2022

I am Juliana Lockman and I vote NO on this zoning change. I own the property across the street at 805 Sycamore and I am opposed to degrading the quality of life in our neighborhood with more renters.  
Thank you,

J Lockman

(11)

Case Number: ZDC-5-2022

City Reference: 176128

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED MAY 16 2022

Comments:

Rhonda Autrey  
Signature

05-16-22  
Date

Rhonda & Gary Autrey  
Printed Name and Title

711 Sycamore  
Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*



(11)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-5-2022  
◇◇◇

SAVELL STEVEN C & DOREEN K  
710 SYCAMORE ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Tim Jackson, TRCS, LLC for a **Zoning Change** from a Single Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 800 Sycamore Street (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES LLC (ZDC-5-2022)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-5-2022

City Reference: 176407

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *May 17, 2022* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments: PLEASE SEE ATTACHED LETTER

*Steven C Savell*  
Signature

May 15 2022  
Date

STEVEN C + DOREEN K SAVELL  
Printed Name and Title  
HOMEOWNER

710 SYCAMORE ST.  
Address  
WAXAHACHIE TX 75165

RECEIVED MAY 16 2022

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(11)

May 16, 2022

City of Waxahachie, Texas  
Planning & Zoning Commission  
Members of City Council

Steven and Doreen Savell  
710 Sycamore St  
Waxahachie, TX 75165

Subject: Notice of Public Hearing; Case Number: ZDC-5-2022

The letter is in response to a recent request for a Zoning Change to property located at 800 Sycamore St (Property ID 176411).

**We OPPOSE this request.**

This is the second request for a Zoning Change to come to our attention and before the city within the last year. As was noted in our previous response we are firmly in opposition of changes to this property from a Single Family-2 to any designation that allows for multiple families to occupy this property.

We are in opposition to this request for the following reasons: it's impact to the character of our neighborhood, our property values, and ultimately the impact on the city.

Personal Concerns:

Negative Impact to Character of the Neighborhood –

This and the surrounding neighborhoods are primarily single-family and therefore have become locations for individual families to have resided as either homeowners or renters. This request by its very nature changes the immediate look and feel of the neighborhood and sets a precedent for future changes that will surely be taken into consideration with any other potential requests.

Property Values –

One-off zoning changes, especially those that go contrary to existing conditions, place an uncertainty in the minds of potential buyers towards the stability of this and surrounding neighborhoods. This uncertainty creates an unstable marketplace, potentially putting our home investments at risk.

Safety & Nuisance –

Street parking and safe access to our driveway are compromised with the additional parking that comes from the current situation with two sets of tenants at 800 Sycamore. There is a single driveway that is used by the 'back' tenants, which forces the 'front' tenants to park along the street on Kirven. Oftentimes these cars are parked directly behind our driveway (Kirven runs between our home at 710 and 800). This typically provides us only with about 15 feet of maneuverability and at times depending on the parking skills and size of the vehicle parked on Kirven (think large trucks and SUVs) we must contend with only 10 to 12 feet – a little trickier.

Denser housing has the potential to create issues related not only to the parking, but also to noise and trash – especially on property that was designed for a single family.

111

**Concerns for Our City:**

We grew up in the Metroplex, moved out-of-state for work and recently returned to Texas. We deliberately and purposefully selected Waxahachie as our home. We have a strong dedication to the historical character of the city and appreciate the city's commitment to not only its past but also to its future – keeping in balance and harmony both needs, makes Waxahachie a perfect place to live.

These types of zoning changes very clearly go against existing Future Land Use Plans as codified in the 2016 Comprehensive Planning Guidelines. Although we are unable to locate the 2021 Guidelines which may have not been completed or published at the time of this request, we only have the existing plans to guide this opposition. The 2016 Plans clearly identify this area as 'low density residential' – which according to the definition (single family and some duplex units) does NOT support the zoning change request.

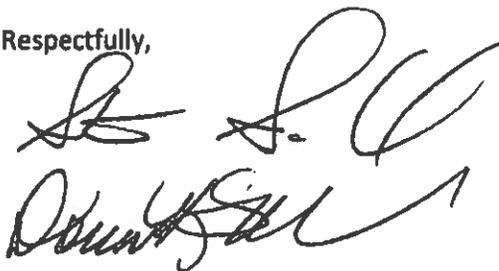
A risk for the city is to take on a zoning change that appears to violate 'spot zoning' practices – which are illegal in the state of Texas. This zoning request appears to be incompatible with the city's zoning ordinances and comprehensive plans.

Although we are primarily concerned about this specific zoning request, we are also broadly concerned that the city is unable to effectively manage and police the practices of having multiple tenants occupying property that is specifically zoned for single family use only. The current situation at 800 Sycamore was accidentally discovered through a non-related manner. Because the property is zoned SF-2 we can only assume that there is a single set up utilities (water, sewer, gas, electricity) set up for the property and although these can be remedied, they have not and would not have necessarily been addressed without this current 'rental arrangement' being revealed.

In closing we would like to again highlight the nature and the character of our city. The 'identity' statement that the 2021 Comprehensive Plan Project adopted as it undertook its work, provides a wonderful example of what we also believe about the city:

*We value family, responsibility to our community, and inclusivity. We respect our history, nature, and culture – and we are working together to cultivate a vibrant place, that is enjoyable and affordable for residents and a true destination that brings new people and businesses to our community.*

Respectfully,



Steven & Doreen Savell  
710 Sycamore St  
Waxahachie, TX 75165

(11)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-5-2022



BRUSCO RANCH LLC  
P O BOX 2792  
RED OAK, TX 75154

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Tim Jackson, TRCS, LLC for a **Zoning Change** from a Single Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 800 Sycamore Street (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES LLC (ZDC-5-2022)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-5-2022

City Reference: 176418

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Maria Schoonveld  
Printed Name and Title

5/17/2022  
Date  
201 Almond St.  
Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(11)

Case Number: ZDC-5-2022

City Reference: 176414

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I have previously had issues with the renters in the garage apartment fighting; the police had to be called. They have since moved, but I feel that an absentee landlord for that property is not good thing. If they were on the premises, it would be different.

Maelisa Rydholm  
Signature

5-13-22  
Date

Maelisa Rydholm  
Printed Name and Title

111 Almond St.  
Address

RECEIVED MAY 17 2022

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.



(11)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-5-2022**

**BAKER BRANDON ALLAN**  
802 SYCAMORE ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Tim Jackson, TRCS, LLC for a **Zoning Change** from a Single Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 800 Sycamore Street (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES LLC (ZDC-5-2022)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: **ZDC-5-2022**

City Reference: 176420

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

*Brandon Baker*

Signature

*5/13/22*

Date

*Brandon Baker*

Printed Name and Title

*802 Sycamore St.*

Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(11)

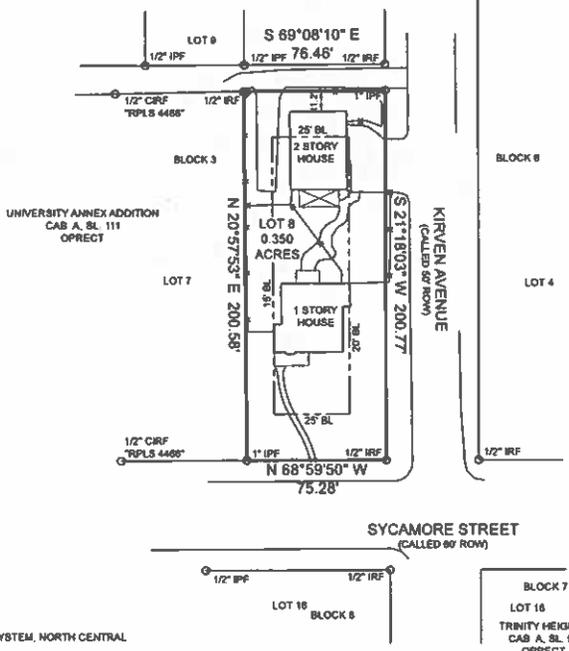
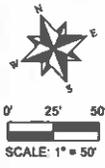
**From:** brandon baker <brandonb1984@yahoo.com>  
**Sent:** Thursday, May 19, 2022 8:46 AM  
**To:** Planning@waxahachie.com; Pruitt, Jennifer  
**Subject:** ZDC-5-2022 / BAKER / Notice of Public Hearing  
**Attachments:** BAKER ZDC-5-2022.pdf

Thank you for providing this platform for the voices of others to be heard and accounted for. I have lived directly next door to 800 Sycamore for 12 years. Shortly after Garrett Real Estate Ventures took ownership; the back property underwent extensive modification. A portion of the garage in the back house was taken in as conditioned space and a full kitchen was added. My concern regarding this modification is there was no posted building permit at the time of this addition of square footage. Safety concerns come to mind rather the property was modified within the guidelines of city ordinances and building code. During this time the swimming pool was filled in and demolished and a gravel driveway was added to provide back entry to the front house. To me, these were modifications to utilize 800 Sycamore as a double occupancy rental property rather than its intended zoning of single-family. This type of zoning change requested does not match the historical values present within our neighborhood or the significance of Sycamore St as a representation of Waxahachie's appreciation of preservation.

(11)



(11)



BEING ALL OF LOT 8, BLOCK 3, UNIVERSITY ANNEX ADDITION, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF, RECORDED IN CABINET A, SLIDE 111, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS.

I, TIMOTHY L. JACKSON, RPLS, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS SURVEY PER THE DESCRIPTION SHOWN HEREON. THE SIZE, LOCATION AND TYPE OF BUILDINGS AND VISIBLE IMPROVEMENTS ARE AS SHOWN.

- LEGEND:
- AC AIR CONDITION
  - EM ELECTRIC METER
  - GM GAS METER
  - PP POWER POLE
  - WM WATER METER
  - FENCE LINE (VARIOUS TYPES)
  - OVERHEAD UTILITY LINES
  - CIRS 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
  - OPRECT OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
  - (XXX) INDICATE RECORD OR DEED CALLS
  - ROW RIGHT-OF-WAY

NOTES:

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83, PER GPS OBSERVATIONS

THE SURVEYOR DID NOT ABSTRACT THE SUBJECT PROPERTY FOR EASEMENTS OR ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT

UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF VISIBLE APPURTENANCES.

THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48136C0003F DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

TIMOTHY L. JACKSON  
REGISTRATION NUMBER 5644  
DATED: 08/20/2021  
REVISED: 04/18/2022

**BOUNDARY SURVEY**  
**0.350 ACRES**

INITIATED BY THE  
W.M. BASKINS SURVEY,  
ABSTRACT NO. 148  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS

PROJECT NO. 1864

**TEXAS REALITY CAPTURE & SURVEYING, LLC**

P.O. BOX 282  
WAXAHACHIE, TEXAS 75140  
409.211.8208  
TXPLS FORM NO 1616A300

TEXAS REALITY CAPTURE & SURVEYING, LLC

ORDINANCE NO. 1929

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT 8, BLOCK 3, UNIVERSITY ANNEX, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING FURTHER KNOWN AS 800 SYCAMORE ST., BEING SINGLE FAMILY-2 (SF-2), FOR THE PURPOSE OF ADDING A DETACHED GARAGE/ACCESSORY BUILDING AND POOLHOUSE, SUBJECT TO CERTAIN CONDITIONS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and,

WHEREAS, the hereinbelow described property is classified in said ordinance and any amendments thereto as Single Family-2 (SF-2); and,

WHEREAS, proper application for a Specific Use Permit has been made in accordance with the zoning ordinances in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended the issuance thereof; and,

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said Specific Use Permit;

NOW, THEREFORE, a Specific Use Permit for the purpose of adding a detached garage/accessory building and poolhouse, subject to certain conditions, is hereby authorized on the following property, and subject to the following condition or restriction:

Being Lot 8, Block 3, University Annex, an addition to the City of Waxahachie, Ellis County, Texas, and being further known as 800 Sycamore St., as more specifically identified on Exhibit "A" attached hereto.

Said Specific Use Permit is granted subject to the provision that, although it is to be automatically renewed each year, it shall at any time be subject to cancellation upon hearing before the City Council upon ninety (90) days notice in writing of said hearing; and further is subject to all state regulations and licensing requirements.

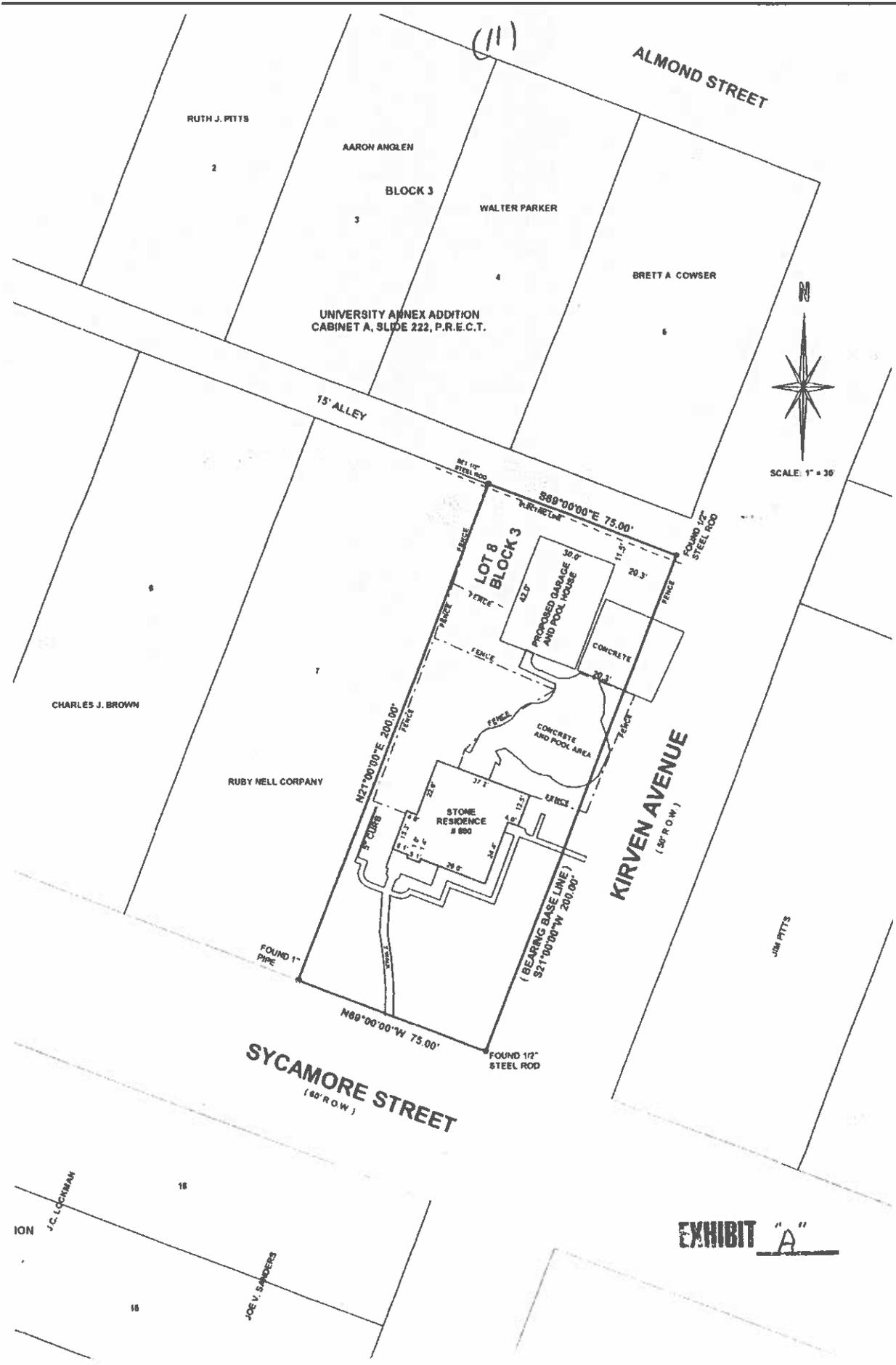
The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 18th day of May, 1998.

/s/ Chuck Beatty  
MAYOR

ATTEST:

/s/ Nancy Ross  
City Secretary



**EXHIBIT "A"**

(11)



(11)



(13)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-45-2022



**MEETING DATE(S)**

*Planning & Zoning Commission:* May 24, 2022  
*City Council:* June 6, 2022

**CAPTION**

**Public Hearing** on a request by Chris Reeves, Quickway Signs, for a **Specific Use Permit (SUP)** for an **Electronic Message Sign** use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022)

**APPLICANT REQUEST**

The applicant is requesting to add a 72 square foot (6 ft. x 12 ft.) electronic message sign to an existing pole sign for the Cowboy Baptist Church located at 2374 W US Highway 287 Bypass.

**CASE INFORMATION**

*Applicant:* Chris Reeves, Quickway Signs  
*Property Owner(s):* Cowboy Baptist Church of Midlothian  
*Site Acreage:* 17.64 acres  
*Current Zoning:* Planned Development-Commercial (PD-C)  
*Requested Zoning:* Planned Development-Commercial (PD-C) with a Specific Use Permit (SUP) for an Electronic Message Sign

**SUBJECT PROPERTY**

*General Location:* 2374 W US Highway 287 Bypass  
*Parcel ID Number(s):* 219310  
*Existing Use:* The Cowboy Church of Ellis County  
*Development History:* The subject property is currently platted as part of Lot 2R of the Ellis County Youth Expo Subdivision. The subject property was rezoned with Ord. 2985 in 2017 from C to PD-C to allow for the continued use of the Ellis County Youth Expo and Cowboy Church of Ellis County.

(13)

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF-1	Undeveloped
East	PD-C	Ellis County Youth Expo
South	N/A	Hwy 287 Bypass
West	PD-MUR	Undeveloped (Montclair Heights)

*Future Land Use Plan:*

Highway Commercial

*Comprehensive Plan:*

Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

*Thoroughfare Plan:*

The subject property is accessible from the US Highway 287 Bypass access road.

*Site Image:*



**PLANNING ANALYSIS**

The applicant is proposing to install a 72 square foot (6 ft. x 12 ft.) electronic message sign to an existing pole sign for the Cowboy Baptist Church located at 2374 W US Highway 287 Bypass. The purpose of the LED Message board is to advertise for the Cowboy Church of Ellis County. The applicant has stated that the proposed sign would contain a combination of static and moving images and text. The applicant has also stated that the sign will be used to convey information about upcoming events at the church and church Arena. Examples of the items to be advertised with the sign include Youth Rodeo Group Events (Buck out Thursdays), Funerals, Dinners, Weddings, Holiday Events, etc.

(13)

**Table 2: Electronic Message Sign Regulation Chart**

*\*Items highlighted in bold are not consistent with the City of Waxahachie Zoning Ordinance*

<b>Electronic Messaging Sign (City of Waxahachie)</b>	<b>Cowboy Church of Ellis County</b>
Signage shall not be located within the public right-of-way.	The sign is not located in the public ROW
Electronic Message Signs shall be restricted to the form of monument signs.	<b>The proposed electronic message sign will be part of an existing pole sign.</b>
Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic messaging sign will only provide information regarding the church and church events.
Such signs shall not exceed a brightness level of 0.3 foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.	The applicant has stated that the sign will be programmed to use an automatic sensor that reduces the brightness of the sign at night.
Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts	The proposed sign will have moving text; but will not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
Any electronic message signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.	The sign shall not be illuminated between the hours of 10pm – 6am.
A maximum of seventy (70) percent of the sign face may be devoted to changeable sign copy.	Approximately 45% of the sign face will be used as a changeable sign copy (electronic message board).

**Table 3: Pole Sign Regulation Chart**

*\*Items highlighted in bold are not consistent with the City of Waxahachie Zoning Ordinance*

<b>Pole Signs (City of Waxahachie)</b>	<b>Cowboy Church of Ellis County</b>
Max. Size= 200 sq. ft.	Proposed Size = approximately 158 SF (72.00 SF LED Message Board; 86 SF existing sign)
Max. Height= 75 ft.	Existing Height= 36 ft. tall
All signs greater than twenty-five (25) feet in height shall be set back a minimum distance of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds twenty-five (25) feet, from all property lines. Minimum Setback = 36 feet.	<b>Proposed sign will is setback 22 ft. from public ROW.</b>

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 6 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**STAFF CONCERNS**

**Pole Sign**

Staff has concerns regarding the addition of an electronic message board to an existing pole sign, as opposed to a monument sign. Per Section 5.08 of the Waxahachie Zoning Ordinance, electronic message signs are restricted to the form of monument signs. Staff believes this requirement should be adhered so as to promote the highest and best use of property along Highway 287.

**Proximity to Residential Uses**

The Montclair Heights subdivision was recently approved directly to the west of the subject property. Following build out of Montclair Heights, residential homes will be located within 500 feet of the proposed sign. Though the proposed sign will be located in excess of 400 feet from a residence, the proposed placement of the sign at a height of 18.5 feet raises additional concerns regarding illumination and brightness adjacent to residential development. In order to mitigate these concerns if approved, staff suggests that the sign shall not be illuminated between the hours of 8pm – 8am.

**APPLICANT RESPONSE TO CONCERNS**

**Pole Sign**

The applicant has stated their desire to place the proposed electronic message board on the existing pole sign in order for the sign to be visible from Highway 287.

**Proximity to Residential Uses**

The applicant has noted that the sign will be equipped with an automatic sensor that reduces the brightness of the sign at night.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

**Denial**

1. Due to staff concerns, staff recommends denial for the proposed use.
2. Note: If the proposed use is denied by the Planning and Zoning Commission:
  - a. A favorable vote of three-fourths (¾) of all members, which equates to four (4) of the five (5) members, of the City Council is also required for any zoning request that was recommended for denial by the Planning and Zoning Commission. (Sec. 2.04, City of Waxahachie Zoning Ordinance)
3. Note: If the Planning and Zoning Commission chooses to recommend approval of proposed use, staff suggests that the following conditions be added to the approval recommendation.
  - a. The sign shall not be illuminated between the hours of 8pm – 8am.
  - b. The electronic message sign shall only provide information regarding the church and church events.
  - c. The electronic message sign shall not exceed a brightness level of 0.3 foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
  - d. The sign shall not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.

(13)

**ATTACHED EXHIBITS**

1. Site Layout Plan
2. Sign Rendering

**APPLICANT REQUIREMENTS**

1. If approved by City Council, applicant can apply for a sign permit from the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King

Planner

[zking@waxahachie.com](mailto:zking@waxahachie.com)

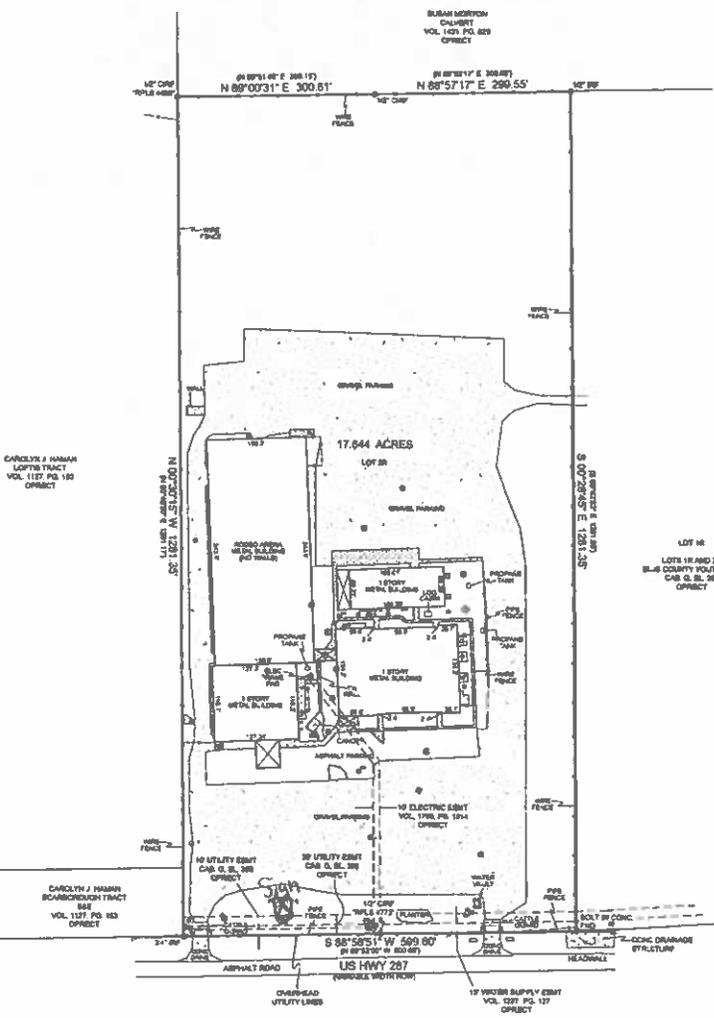
*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(13)



PROPERTY DESCRIPTION  
BEING A TRACT OF LAND SITUATED IN THE W IRWIN SURVEY, ABSTRACT NO. 645, CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS, AND BEING ALL OF LOT 2B, OF LOTS 1A AND 2B, ELLIS COUNTY TOWNSHIP 20S, AN ADJACENT TO THE CITY OF WAXAHACHE, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CHAPTER 3, BOOK 388, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS.

I, JEREMY D. RUCKMAN, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS SURVEYED FOR THE DESCRIPTION SHOWN HEREON. THE SIZE, LOCATION AND TYPE OF BUILDINGS AND VISIBLE IMPROVEMENTS ARE AS SHOWN.

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS' STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONVENTION IV SURVEY.



NOTES  
READING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM NORTH CENTRAL ZONE 4822 AND IS, PER GPS OBSERVATIONS.  
THE SURVEYOR DID NOT ABSTRACT THE SUBJECT PROPERTY FOR ENCUMBRANCES OR ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.  
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.  
UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF VISIBLE APPEARANCES.  
THE SUBJECT PROPERTY LIES WITHIN ZONE "C" DEPICTED AS "AREAS DETERMINED TO BE OUTSIDE THE 6 2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48362C0101 DATED 04-13-2018 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

- LEGEND
- AIR CONDITIONING UNIT
  - ⊗ STORM DRAIN MANHOLE
  - ⊕ GRAVE DUCT
  - ⊙ BATTERY BENCH MANHOLE
  - ⊙ BATTERY BENCH CLEANOUT
  - ⊙ WATER METER
  - ⊙ WATER VALVE
  - ⊕ POWER POLE
  - ⊕ LIGHT POLE
  - ⊙ FIRE HYDRANT
  - ⊕ ELECTRIC PULLBOX
  - ⊕ FLAG POLE
- FENCE LINE (VARIOUS TYPES)
- CONCRETE
  - GRAVEL
  - CRP CAPPED IRON ROD FOUND
  - BRF IRON ROD FOUND
  - OPRBT OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
  - DRQD RECORDS RECORDED ON DEED CALLS
  - ROB RIGHT-OF-WAY

LAND TITLE SURVEY  
17.644 ACRES  
SHOWN IN THE  
W IRWIN SURVEY  
ABSTRACT NO. 645  
CITY OF WAXAHACHE,  
ELLIS COUNTY, TEXAS

PROJECT NO. 1389

TEXAS REALTY CAPTURE & SURVEYING, LLC  
17620 W. 10TH STREET  
FRIEDLAND, TEXAS 75841  
817-424-7200

**TIXRCS**  
THE TEXAS INDEPENDENT SURVEYORS' ASSOCIATION

**CUSTOMER INFO**

Contact: Cris Maddox  
Company: Cowboy Church  
Phone #: 214-455-5023  
Email: MaddoxHorses@Gmail.com



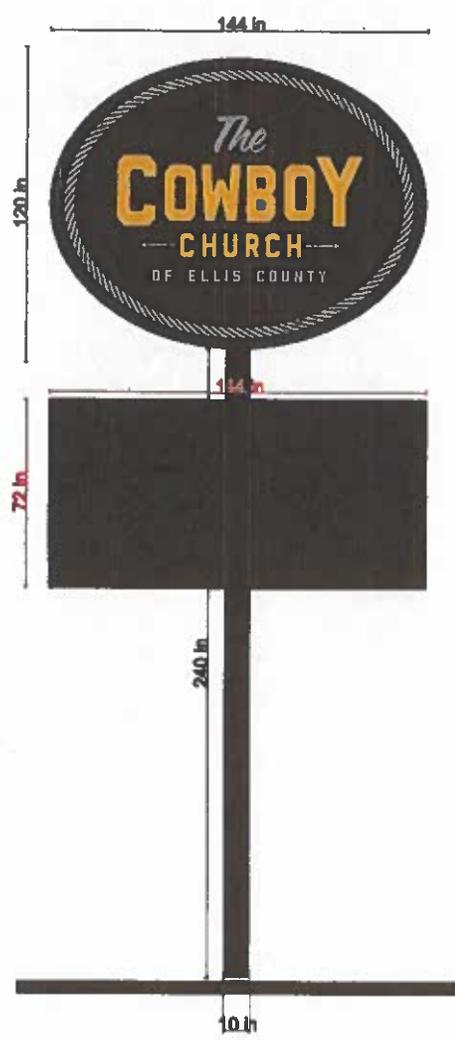
**JOB DESCRIPTION**

Existing Sign,  
Adding LED  
Message Board  
12ft x 6ft

Date: April 8th, 2022

Due Date : N/A

**PRICE**



**Adding New  
LED Message Board**

**PLEASE PROOF READ CAREFULLY.**

AFTER APPROVAL, QUICKWAY SIGNS WILL NOT BE FINANCIALLY RESPONSIBLE FOR ERRORS ON PRO

- I have verified the artwork.
  - I have verified the colors.
  - I have verified the text and spelling.
  - I have verified the layout.
  - I have read and agree to all disclaimers.
- 
- Approved. No Changes Required
  - Please make the noted changes



306 W. Main St.  
Waxahachie, TX 75165  
972-937-7446

(15)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-31-2022**

**MEETING DATE(S)**

*Planning & Zoning Commission:* May 24, 2022

*City Council:* June 6, 2022

**CAPTION**

Request by Todd Finley, CLX Ventures, LLC, for a **Zoning Change** from a Multi-Family-2 (MF-2) zoning district to Planned Development Multi-Family-2 (PD-MF-2) located at Southwest of John Arden Drive along Alliance Blvd (Property ID 275156) – Owner – Arden Group, LLC (ZDC-31-2022)

**APPLICANT REQUEST**

The purpose of this request is for a Zoning Change from a Multi-Family-2 (MF-2) zoning district for residents fifty-five (55) years of age and older to Planned Development Multi-Family-2 (MF-2) to allow for residents of all age groups.

**CASE INFORMATION**

*Applicant:* Todd Finley, CLX Ventures LLC

*Property Owner(s):* Arden Group LLC

*Site Acreage:* 10.191 acres

*Current Zoning:* PD-MF-2 (55+ Senior Living)

*Requested Zoning:* PD-MF-2

**SUBJECT PROPERTY**

*General Location:* Southwest of John Arden Dr. along Alliance Blvd. of I35 E. Service Rd. Adjacent to Oxford at Crossroads Center.

*Parcel ID Number(s):* 2758156

*Existing Use:* The subject property is currently undeveloped

*Development History:* On December 17, 2018, City Council approved Ordinance # 3073 for ZC-18-0192 John Arden. Ordinance #3073 resulted in the subject property being rezoned from Planned Development District 16, Light Industrial – 1 (PD-16-LI-1) to Planned Development Multiple-Family Residential - 2 (PD-MF-2) which allowed for multiple-family use for 55+.

(15)

**Adjoining Zoning and Uses**

Direction	Zoning	Current Use
North	Planned Development Multi Family & General Retail (PD-MF-GR)	Multi-Family and Undeveloped
East	Planned Development Light Industrial 1 (PD-LI-1)	International Church of the Four Square Gospel
West	Single Family – 2 (SF2)	Undeveloped
South	Planned Development Light Industrial 1 (PD-LI-1)	Undeveloped

*Future Land Use Plan:*

Mixed Use Non-Residential

*Comprehensive Plan:*

Land designated as Mixed Use Non-Residential are intended for a mixture of nonresidential and residential uses. Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential.

*Thoroughfare Plan:*

The subject property is accessible via Alliance Boulevard.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant is requesting a zoning change from Planned Development Multi-Family Residential-2 (PD-MF-2) to Planned Development Multi-Family Residential -2 (PD-MF-2). The existing PD zoning restricts the use to operation of a Senior Living (55+) Multi-Family Residential Development only. The applicant is requesting a zoning change to allow for a Multi-Family Residential Development allowing residents of all age groups. In 2018, Planned Development Ordinance 3073 was approved by City Council. The minutes from the December 11, 2018, Planning & Zoning Meeting reflect that the previous applicant was seeking a tax credit which would expire on January 7, 2019. As part of the action City Council took, a detailed site plan was required to be presented to the Planning & Zoning Commission and City Council for approval.

The applicant has committed to leasing 20% of total units to people aged 55+ during the initial lease-up, but is unable to commit to that percentage in perpetuity after the development has stabilized. Due to the

(15)

2018 approval of the prior Planned Development Ordinance, and the increase of multi-family projects proposed within the City, Staff believes that it is necessary to the age restriction.

**PLANNED DEVELOPMENT STANDARDS**

The following table identifies the development standard requirements in the base zoning district in comparison to the proposed development standards for this Planned Development.

Standard	City of Waxahachie (MF-2 District Standards)	Proposed Development Standards (Applicant Request)	Meets or Exceeds MF-2 Standards?
Height Regulations	3 stories for the main building. All accessory buildings (excluding recreational buildings) shall be limited to 1 story in height.	3 stories for main buildings.	Meets
Minimum Lot Area	2,420 SF per dwelling unit, not to exceed 18 units per acre.	9.501 acres of land after Right-Of-Way Dedication	Does not meet Applicant proposes 19 du
Minimum Lot Width	60'	968.49'	Exceeds
Minimum Lot Depth	120'	376.39'	Exceeds
Minimum Front Yard	100'	100'	Meets
Minimum Side Yard	25'	25'	Meets

Standard	City of Waxahachie (MF-2 District Standards)	Proposed Development Standards (Applicant Request)	Meets or Exceeds MF-2 Standards?
Minimum Rear Yard	75'	25'	Does not meet
Maximum Lot Coverage	40%	17.67%	Meets
Parking Regulations	263 total spaces -132 garage spaces total needed. At least 1/2 of the required minimum off-street parking shall be provided in attached fully enclosed garages.	293 spaces – -56 garage spaces (21%) -108 Car Port Spaces (41%) -164 total covered (62%)	Does not meet.
Minimum DUA	600 SF per unit plus 100 SF for each additional bedroom over one; 450 SF for efficiency apartment units with a 25% maximum of total units.	Studio – 527 SF 1 bed – 648 SF 2 bed – 1026 SF 3 bed – 1320 SF	Exceeds

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 10 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property. As of the date of this report, no letters of support or opposition have been received.

**STAFF CONCERNS**

1. One half of the required minimum off-street spaces shall be provided in attached fully enclosed garages per Multi-Family Development Standards.
2. Staff requests for inclusion of amenities on the western portion of the property near building 5.
3. Staff recommends the overall units be reserved for residents 55+, in perpetuity.
4. Show directional curb ramps at intersection on concept plans and site plans.
5. Staff recommends that a detailed site plan be submitted to Planning & Zoning and City Council for approval if the request is approved.
6. Signage should meet all requirements outlined in Article V, Section 5.08 of City Ordinance.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial, due to aforementioned staff concerns
- Approval, as presented.
- Approval, with the following conditions
  1. Reserve the overall units for residents 55+ in perpetuity.
  2. Meet all applicable building setback requirements
  3. Provide amenities on Western portion of property near building 5.
  4. Provide 132 garage spaces, attached or detached.
  5. The required Site Plan is subject to P&Z and CC approval for PD overall compliance.
  6. Max units limited to 171 units.
  7. Density on site shall not exceed 18 du/a.
  8. Number of stories shall not exceed three.

**ATTACHED EXHIBITS**

1. Concept Plan
2. Elevations
3. Applicant Statement

**APPLICANT REQUIREMENTS**

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then applicant will be notified to make corrections.
  - b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

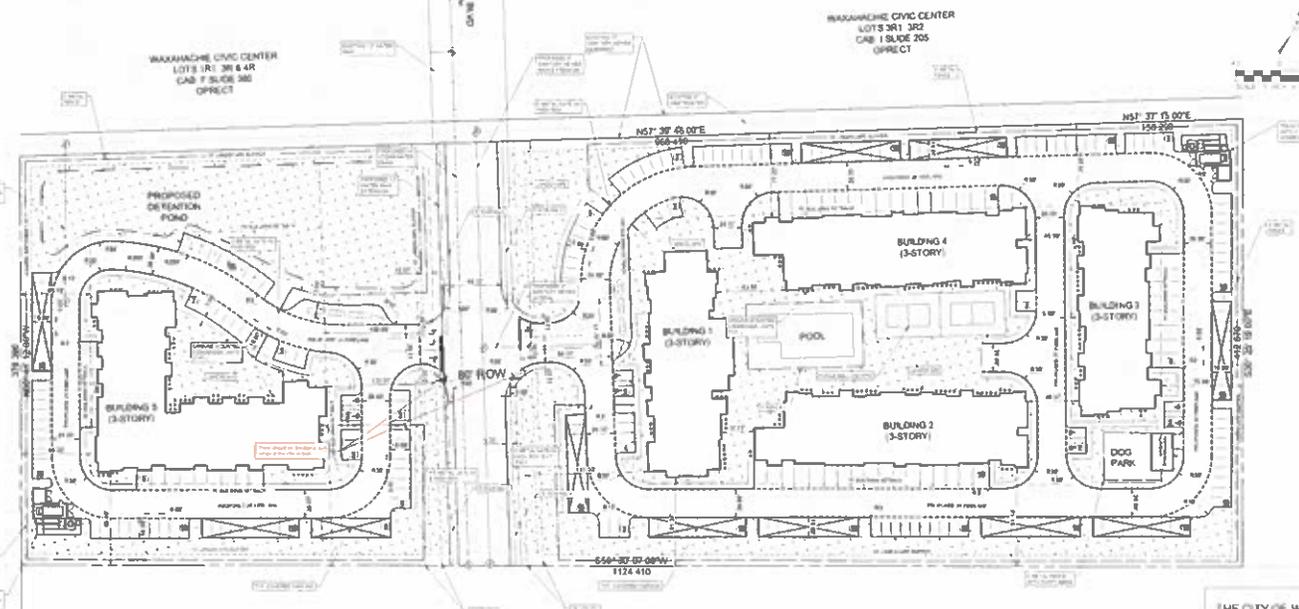
**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Ashlie Jones  
 Senior Planner  
[ashlie.jones@waxahachie.com](mailto:ashlie.jones@waxahachie.com)

*Reviewed by:*  
 Jennifer Pruitt, AICP, LEED-AP, CNU-A  
 Senior Director of Planning  
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A 100 ft required fire abatement that generates a average Daily Traffic, please refer to page 1000 for more info. Can be expressed as the existing power



PROPOSED LEGEND



SITE DATA TABLE	
PROPOSED ZONING	RES. MFD. (MEDIUM DENSITY RESIDENTIAL)
PROPOSED ZONING	RES. MFD. (MEDIUM DENSITY RESIDENTIAL)
LOT AREA	100,000 SQ. FT.
TOTAL BUILDING FOOTPRINT AREA	100,000 SQ. FT.
BUILDING HEIGHT (FEET)	40 FEET
TOTAL GROUND FLOOR BUILDING AREA	100,000 SQ. FT.
311 CODE COVER	100,000 SQ. FT.
DENSITY	10 UNITS PER ACRE
MAX. SPACIAL HEIGHT	40 FEET
# OF 2 BEDROOMS & SMALLER UNIT SIZE	100 UNITS
# OF 3 BEDROOMS & SMALLER UNIT SIZE	100 UNITS
# OF 3 BEDROOMS & SMALLER UNIT SIZE	100 UNITS
TOTAL UNIT COUNT	100 UNITS

SITE DATA TABLE	
PROPOSED ZONING	RES. MFD. (MEDIUM DENSITY RESIDENTIAL)
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311 CODE COVER	100,000 SQ. FT.
DENSITY	10 UNITS PER ACRE
MAX. SPACIAL HEIGHT	40 FEET
# OF 2 BEDROOMS & SMALLER UNIT SIZE	100 UNITS
# OF 3 BEDROOMS & SMALLER UNIT SIZE	100 UNITS
# OF 3 BEDROOMS & SMALLER UNIT SIZE	100 UNITS
TOTAL UNIT COUNT	100 UNITS

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MAX. SPACIAL HEIGHT	40 FEET
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PROPOSED ZONING	RES. MFD. (MEDIUM DENSITY RESIDENTIAL)
PROPOSED ZONING	RES. MFD. (MEDIUM DENSITY RESIDENTIAL)
LOT AREA	100,000 SQ. FT.
TOTAL BUILDING FOOTPRINT AREA	100,000 SQ. FT.
BUILDING HEIGHT (FEET)	40 FEET
TOTAL GROUND FLOOR BUILDING AREA	100,000 SQ. FT.
311 CODE COVER	100,000 SQ. FT.
DENSITY	10 UNITS PER ACRE
MAX. SPACIAL HEIGHT	40 FEET
# OF 2 BEDROOMS & SMALLER UNIT SIZE	100 UNITS
# OF 3 BEDROOMS & SMALLER UNIT SIZE	100 UNITS
# OF 3 BEDROOMS & SMALLER UNIT SIZE	100 UNITS
TOTAL UNIT COUNT	100 UNITS



THE CITY OF WAXAHACHIE  
CASE NUMBER ZDC-31-2022

THE GRAND AT WAXAHACHIE  
CONCEPT PLAN

J. E. PRINCE SURVEY ABSTRACT NO. 844  
10.191 ACRES  
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

**Bowman**  
2000 W. WAXAHACHIE BLVD.  
SUITE 200  
WAXAHACHIE, TEXAS 75165  
PHONE: 817.861.1111  
FAX: 817.861.1112  
WWW.BOWMAN.COM

DATE: 4/20/2022  
SCALE: 1" = 800'

**811**  
Call before you dig

UNIVERSITY STATIONS  
1000 W. WAXAHACHIE BLVD.  
SUITE 200  
WAXAHACHIE, TEXAS 75165  
PHONE: 817.861.1111  
FAX: 817.861.1112  
WWW.BOWMAN.COM

(15)



1 TYPE I - FRONT OVERALL ELEVATION presentation  
1/16" = 1'-0"

MATERIAL %	
STONE	34%
STUCCO	58%
SIDING	7%



2 TYPE I - BACK OVERALL ELEVATION Presentation  
1/16" = 1'-0"

MATERIAL %	
STONE	41%
STUCCO	49%
SIDING	10%

(15)



# 1 Type II - Elevation

1/16" = 1'-0"

MATERIAL %
STONE - 53%
STUCCO - 40%
SIENING - 7%

WAXAHACHE

Type II - Elevation

As Indicated

Waxahachie, Texas

INTERIM REVIEW DOCUMENTS  
 This document is preliminary and is not intended for Regulatory Approval. Permit or Construction Purposes. This document is issued under the authority of Fernando J. Andrade 17888 on 04/05/22

gsr andrade  
 ARCHITECTS P.C.

(15)



↑ **TYPE III - FRONT ELEVATION**  
1/16" = 1'-0"

MATERIAL %
STONE - 40%
STUCCO - 56%
SIDING - 4%

WAXAHACHE

TYPE III - Elevation

As indicated

Waxahachie, Texas

INTERIM REVIEW DOCUMENTS  
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gsr | andrade  
ARCHITECTS

(15)



1 TYPE IV - Elevation  
1/16" = 1'-0"

MATERIAL %
STONE - 50%
STUCCO - 41%
SIDING - 9%

WAXAHACHE

Type IV - Elevation

As indicated

Waxahachie, Texas

INTERIM REVIEW DOCUMENTS  
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Approval, Permit, or Construction Purposes. This document is  
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Fernando J. Andrade 17868 on 04/06/22

gsi | andrade  
ARCHITECTS

## CASE NUMBER ZDC-31-2022

### CLX Ventures - The Grand at Waxahachie – Multifamily PD Amendment Narrative

#### Site Description

10.191 acres in the J.E. Prince Survey Abstract No. 844 in the City of Waxahachie, Ellis County, Texas

#### Intent of PD Amendment

Applicant wishes to change Ordinance No. 3073 from current Senior Living (55+) Multi-Family Residential (PD-MF-2) to PD-MF-2 to allow residents under the age of 55.

#### Proposed Planned Development Code Amendment

- a. **Proposed Use:** Market rate multi-family development.
- b. **Density:** Density standards shall comply with the minimum standards specified for the MF-2 district
- c. **Lot area, width, depth, and coverage:** Standards shall comply with the minimum standards specified for the MF-2 district.
- d. **Yard depths and widths:** Proposed as shown on the Concept plan.
- e. **Building Height:** Building height standards shall comply with the minimum standards specified for the MF-2 district.
- f. **Building Elevations:** Developer will enter into a development agreement with the city. All multi-family buildings and structures shall have at least ninety-five percent (90%), for the first three stories of the total exterior walls above grade level, excluding doors and windows, and recessed balcony areas (should be allowed as plane break), constructed of masonry (brick, stone, pre-cast stone, and other similar veneer material) or Stucco materials with no more than (10%) consisting of cementitious siding (Hardie products).
- g. **Parking:** Off-street parking shall comply with the minimum standards specified for the MF-2 district. A total of 293 parking spaces will be provided, 54% of which will be covered parking spaces, for a total of 158 covered spaces. The distribution of covered parking will be 56 garage spaces (35%), and 108 carport spaces (68%) will be provided.
- h. **Access:** All access shall comply with the minimum standards specified within the City of Waxahachie development ordinance.
- i. **Landscaping and screening:** All landscaping and screening shall comply with the minimum standards specified within the City of Waxahachie development ordinance.
- j. **Accessory buildings:** All accessory buildings shall comply with the minimum standards specified within the City of Waxahachie development ordinance.

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- k. **Signs:** All site signage shall comply with the minimum standards specified within the City of Waxahachie development ordinance.
- l. **Lighting:** All site lighting shall comply with the minimum standards specified within the City of Waxahachie development ordinance.
- m. **Project phasing or scheduling:** Project will be developed as a single-phase development.
- n. **Management associations:** Development will be managed by third party professional management company

**Variance requested**

1. Minimum side yard building setback width along western property line from 75' to 65'.
2. Proposed distribution of covered parking - 56 enclosed garage spaces (35%), and 108 carport spaces (68%) to meet 54% of total off-street parking.



# Planning & Zoning Department

## Plat Staff Report

Case: SUB-35-2022

**MEETING DATE(S)**

*Planning & Zoning Commission:* May 24, 2022 –Continued from May 10, 2022

*City Council:* June 6, 2022

**CAPTION**

*Public Hearing* on a request by Dean Settlemyer, Just Settle Investments, LLC for a **Replat** of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022).

**APPLICANT REQUEST**

The purpose of this request is to replat the subject property into one (1) lot for commercial use.

**CASE INFORMATION**

*Applicant:* Dean Settlemyer, Just Settle Investments, LLC

*Property Owner(s):* Just Settle Investments, LLC

*Site Acreage:* 4.277 acres

*Number of Lots:* one (1) commercial lot

*Number of Dwelling Units:* 0 units

*Park Land Dedication:* N/A

*Adequate Public Facilities:* Adequate Public Facilities are available

**SUBJECT PROPERTY**

*General Location:* 1518 W. Main Street

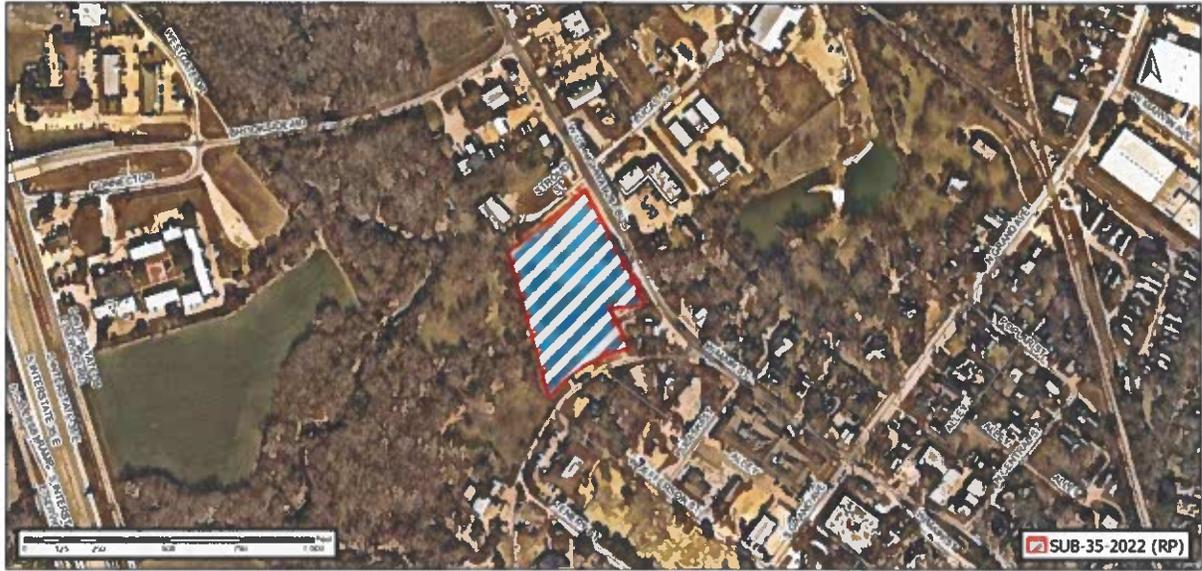
*Parcel ID Number(s):* 176678

*Current Zoning:* Commercial, General Retail, Single-Family Residential-2

*Existing Use:* The subject property is currently vacant.

*Platting History:* The subject is platted as Lot 8, Block 13 of the West End Addition.

*Site Aerial:*



**PLATTING ANALYSIS**

The applicant is proposing to replat the subject property into one (1) commercial lot. All City of Waxahachie lot size and dimension requirements have been met. The applicant is providing a 15' Right-of-Way (ROW) dedication along U.S. Highway 287 in conformance with the City of Waxahachie Thoroughfare Plan. The City of Waxahachie Future Land Use Plan designates this area as intended for Mixed-Used Non-Residential Development.

**VARIANCE REQUEST – PETITION FOR RELIEF WAIVER**

**Request:**

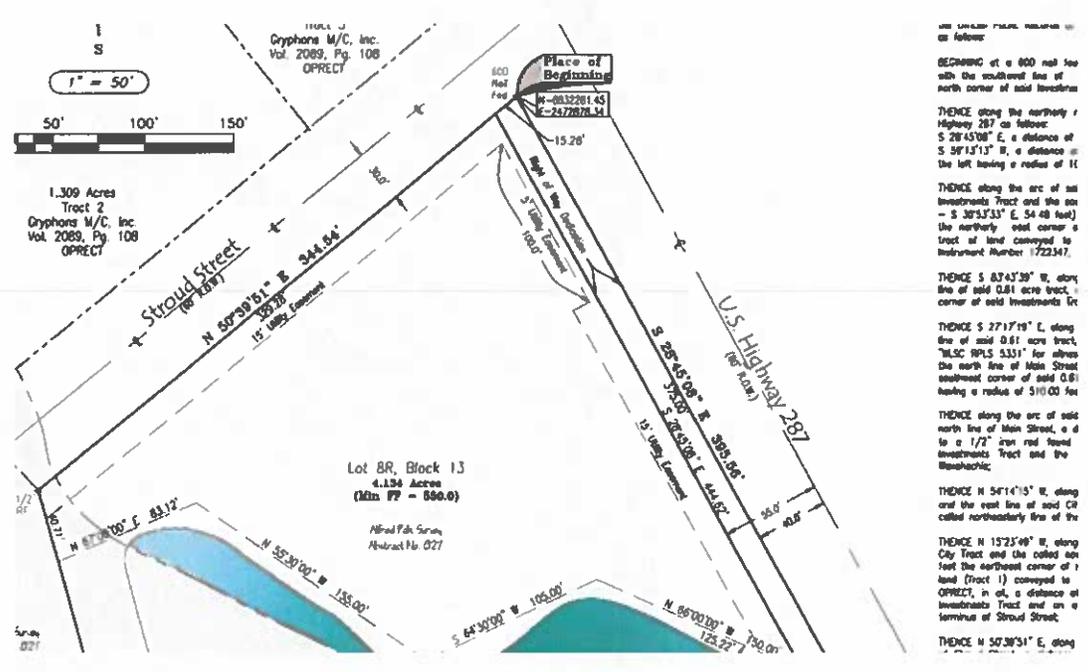
The City of Waxahachie Thoroughfare Plan identifies a 110' Thoroughfare running along the eastern boundary of the subject property. As part of the platting process, the applicant is required to provide a ROW dedication in conformance with the Thoroughfare Plan. In this case, the applicant is required to provide a 55' ROW dedication along the entirety of the eastern property line. The applicant has met this requirement. The applicant is also required to provide a 15' Utility, Water and Wastewater Easement and meet a 25' building line requirement along the eastern property line. The applicant has made a Petition for Relief Waiver request for the 15' Utility, Water and Wastewater Easement. As part of the Petition for Relief Waiver, the applicant is seeking a variance to allow for a reduced utility easement of 5' for a distance of 110 feet along the eastern property line, with the standard 15' utility easement for the remainder of the eastern property line.

The applicant's is requesting this variance in order to accommodate the location of his desired structure.

**Staff's Response:**

Per section 3.1 of the Subdivision ordinance, the property owner shall provide a minimum 15' utility easement for gas, electric, and other utilities approved by the City. In an effort to work with the applicant, Staff is supportive of this variance request as presented on the plat.

(17)



**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Approval, as presented.

**ATTACHED EXHIBITS**

1. Plat
2. Letter of Support
3. Letter of Opposition

**APPLICANT REQUIREMENTS**

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then applicant will be notified to make corrections.
  - b. If all comments satisfied, applicant shall provide five signed, hard-copy plats.

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

A plat shall not be filed with the Ellis County Clerk until:

1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's Subdivision ordinance.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Ashlie Jones

Senior Planner

[ashlie.jones@waxahachie.com](mailto:ashlie.jones@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

APPROVED BY Planning and Zoning Commission  
City of Waco, Texas

APPROVED BY: City Council  
City of Waco, Texas

Notes

1. Building Lines: 25' Front Building Lines and others as shown
2. Utility Easements: 15' Utility Easement along right of way and others as shown
3. A portion of the property lies within a 100 year flood plain according to the Flood Insurance Rate Map for Ellis County, Texas, Map# 48136C0190 F, Zones AE & X, dated June 3, 2013
4. Basis of Bearings: GPS Observation, Texas Coordinate System, North Central Zone 4202 Beginning Coordinates - Northing=6832781.45 Easting=247278.54



By \_\_\_\_\_  
Chairperson  
Attest \_\_\_\_\_  
Attest

OWNER'S CERTIFICATION  
State of Texas  
County of Ellis

WHEREAS, Just Settle Investments, LLC, are the owners of that certain parcel of land lying in the City of Waco, Texas and being situated in the ALFRED POLK SURVEY, ABSTRACT NO. 827, Ellis County, Texas and a portion of Lot 8, Block 13 of West End Addition, an addition in the City of Waco, Texas, according to the Plat thereof recorded in Cabinet A, Side 149 of the Plat Records of Ellis County, Texas, and being all of the 4.277 acre tract of land conveyed to Just Settle Investments, LLC by Warranty Deed recorded in Instrument Number 2172137 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at a 600' iron rod found at the southeast line of Stroud Street (40' foot right of way) with the southwest line of U.S. Highway 287 (Business) (variable width right of way) for the north corner of said Investments Tract.

THENCE along the northerly northeast line of said Investments Tract and the southwest line of Highway 287 as follows:  
S 28°45'08" E, a distance of 395.56 feet to a 1/2" iron rod found for corner, and  
S 58°13'13" W, a distance of 995 feet to a 1/2" iron rod found in a non tangent curve to the left having a radius of 1004.93 feet and a central angle of 03°06'24".

THENCE along the arc of said curve and continuing along the northerly northeast line of said Investments Tract and the southwest line of Highway 287, a distance of 34.43 feet (Long Chord - S 30°33'33" E, 54.48 feet) to a 1/2" iron rod found with cap marked "WLSC RPLS 5331" for the northerly east corner of said Investments Tract and the north corner of the 0.61 acre tract of land conveyed to Jerry's Tire & Wheels, LLC by Texas Warranty Deed recorded in instrument Number 1722347, OPRECT.

THENCE S 85°43'39" W, along the easterly south line of said Investments Tract and the north line of said 0.61 acre tract, a distance of 124.26 feet to a point in a pond lake for an interior corner of said Investments Tract and the northwest corner of said 0.61 acre tract.

THENCE S 27°17'19" E, along the southerly northeast line of said Investments Tract and the west line of said 0.61 acre tract, passing of 52.00 feet a 1/2" iron rod found with cap marked "WLSC RPLS 5331" for witness, in all, a distance of 153.07 feet to a 1/2" iron rod found in the north line of Main Street for the southerly east corner of said Investments Tract and the southwest corner of said 0.61 acre tract, said iron rod lies in a non tangent curve to the left having a radius of 510.00 feet and a central angle of 37°40'46".

THENCE along the arc of said curve and along the south line of said Investments Tract and the north line of Main Street, a distance of 335.39 feet (Long Chord - S 58°28'28" W, 329.38 feet) to a 1/2" iron rod found in the southwest line of Lot 8 for the south corner of said Investments Tract and the southeast corner of a tract of land conveyed to the City of Waco, Texas.

THENCE N 54°14'15" W, along the southwest line of said Investments Tract and same for Lot 8 and the east line of said City Tract, a distance of 5.38 feet to a 1/2" iron rod found in the called northerly line of the Waco-Hatch-Sands Road for the west corner of Lot 8.

THENCE N 15°23'49" W, along the west line of said Investments Tract and the east line of said City Tract and the called northerly line of the Waco-Hatch-Sands Road, passing at 390.36 feet the northeast corner of said City Tract and the southeast corner of the 4.860 acre tract of land (Tract 1) conveyed to Gryphons M/C, Inc. by Wd recorded in Volume 2089, Page 108, OPRECT, in all, a distance of 516.58 feet to a 1/2" iron rod found northeast corner of said Investments Tract and an angle corner of said 4.860 acre tract and being the southwest terminus of Stroud Street.

THENCE N 50°30'51" E, along the northeast line of said Investments Tract and the southeast line of Stroud Street, a distance of 344.54 feet to the PLACE OF BEGINNING and containing 4.277 acres of land as surveyed on the ground.

R=1004.93'  
L=54.48'  
Δ=3°06'24"  
C=S 30°33'33" E  
54.48'

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That Just Settle Investments, LLC acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as the Final Plat of Lot 8, Block 13 of West End Addition (Being a Replat of a portion of Lot 8, Block 13 of West End Addition and being in the Alfred Polk Survey, Abstract No. 827), an addition in the City of Waco, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown hereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat.

No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Waco, Texas. In addition, Utility Easements may be also used for the actual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, and use by public utilities being subordinate to the Public's and City of Waco, Texas's use thereof. The City of Waco, Texas and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waco, Texas and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purposes of construction, reconstruction, repairing, protecting, maintaining, reroading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waco, Texas.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 2022

By \_\_\_\_\_  
Deon Settlemier  
Just Settle Investments, LLC

State of Texas

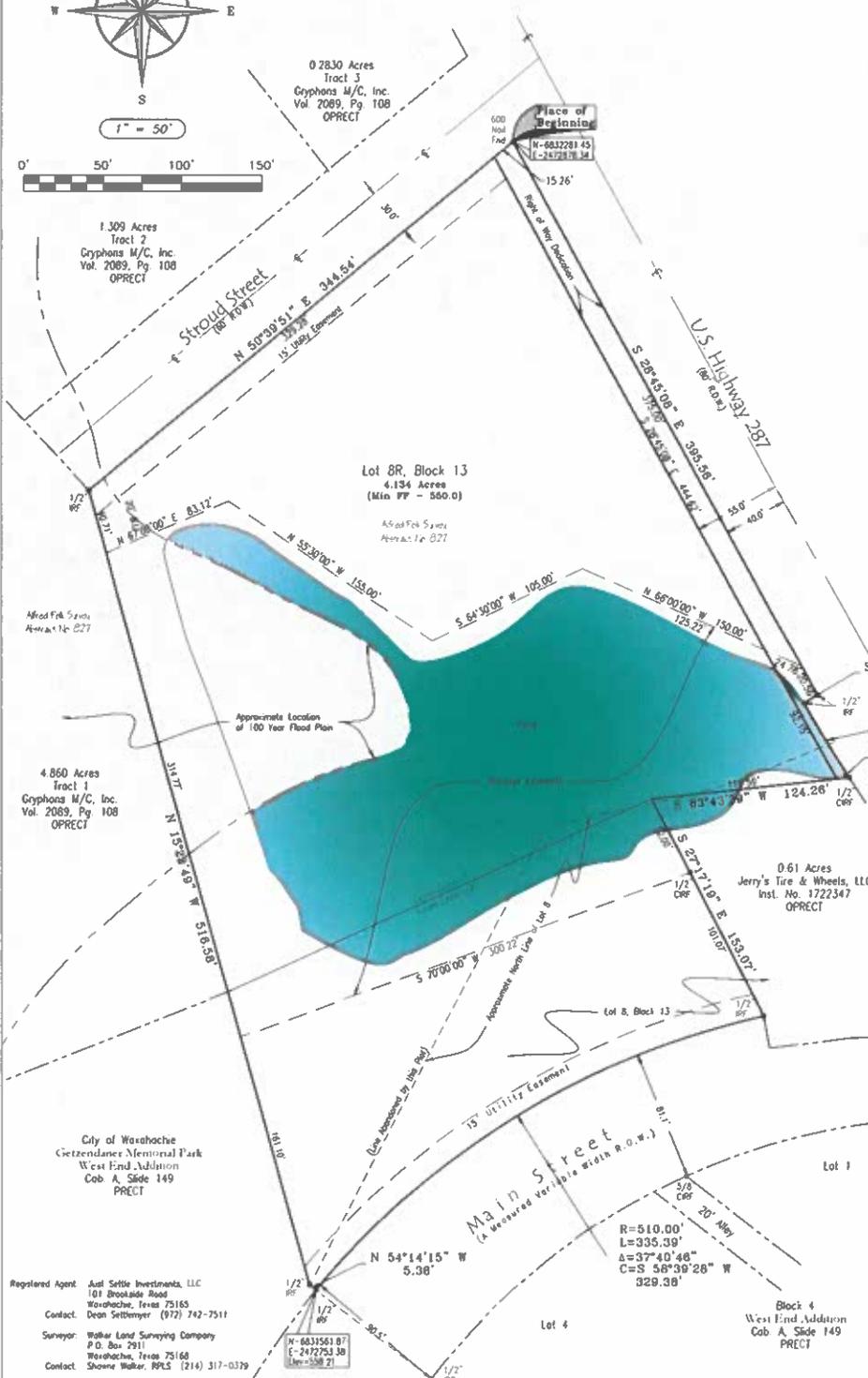
Before me the undersigned authority, a notary public in and for the state on this day personally appeared Deon Settlemier, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity stated.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_ 2022

Notary Public

**REPLAT**  
**Lot 8R**  
**Block 13**  
**West End Addition**  
A Portion of Lot 8, Block 13  
West End Addition

And in the Alfred Polk Survey, Abstract No. 827  
City of Waco, Texas, Ellis County, Texas  
Case No. SUH-35-2022 Prepared Date: March, 2022



Registered Agent: Just Settle Investments, LLC  
101 Brookside Road  
Waco, Texas 76788  
Contact: Deon Settlemier (972) 742-7511

Surveyor: Walker Land Surveying Company  
P.O. Box 2911  
Waco, Texas 76788  
Contact: Shawne Walker, RPLS (214) 317-0379



**LEGEND**

—	Proposed Corner
—	Iron Rod
—	Cap
—	Part of City
—	Building Line
—	Utility Easement
—	100 Year Flood Plain
—	1/2" Iron rod found with cap marked "WLSC RPLS 5331"

**Surveyor's Declaration**  
KNOW ALL MEN BY THESE PRESENTS  
That I, J Shawne Walker, do hereby certify that I have prepared this Plat from an actual and accurate survey made on the ground and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the subdivision regulations of the City of Waco, Texas.

FOR EMPLOYER USE ONLY  
APPROVED BY: \_\_\_\_\_  
J Shawne Walker, RPLS  
Texas Registration No. 5331

(17)

(17)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SUB-35-2022



FAJARDO J D DPM PC  
1620 W HIGHWAY 287 BUSINESS  
WAXAHACHIE, TX 75165

RECEIVED APR 2 2022

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 10, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 16, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Dean Settlemyer, Just Settle Investments, LLC for a **Replat** of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: SUB-35-2022

City Reference: 200782

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 3, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

\_\_\_\_\_

\_\_\_\_\_  
Signature

4-22-22  
\_\_\_\_\_  
Date

J. D. Fajardo DPM  
\_\_\_\_\_  
Printed Name and Title

1620 W Hwy 287 Bus  
\_\_\_\_\_  
Address  
WHA

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(17)



**City of Waxahachie, Texas**  
**Notice of Public Hearing**  
**Case Number: SUB-35-2022**



**STANTON MIKE**  
**PO BOX 888**  
**ATHENS, TX 75751**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 10, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 16, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: **SUB-35-2022** City Reference: 176661

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SUPPORT

OPPOSE

Comments:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature  
*Mike Stanton*  
\_\_\_\_\_  
Printed Name and Title

*4/25/22*  
\_\_\_\_\_  
Date  
*PO Box 888, Athens, TX 75751*  
\_\_\_\_\_  
Address

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